UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/SR.11
24 June 1999

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 31 March 1999, at 10 a.m.

Chairperson: Ms. ANDERSON (Ireland)

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GE.99-11815 (E)

The meeting was called to order at 10 a.m.

STATEMENT BY MRS. ANNA LINDH, MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

1. Mrs. LINDH (Sweden) said that despite some progress - the decision to establish an International Criminal Court, the adoption of a Declaration on Human Rights Defenders, and increased public awareness about human rights coinciding with the fiftieth anniversary of the Universal Declaration of Human Rights - many violations of human rights were still committed throughout the world.

2. In Kosovo a new tragedy of ethnic cleansing was unfolding and the refugees were numbered in thousands. In Turkey, the Kurdish people were denied their rights. The Turkish Government, which should engage in a dialogue with the democratic forces among the Kurdish people, had instead recently banned the Democratic Party of the Masses, an organization not linked to the PKK. In China dissidents were being sent to prison. In Sierra Leone children were being used as soldiers and maimed. In Colombia human rights defenders, particularly trade unionists, were being killed. In the Islamic Republic of Iran authors were being killed on account of their writings. In all parts of the world millions of refugees had lost everything - country, home, and job - and no longer had access to education or medical care. It must not be forgotten that responsibility for ensuring respect for human rights rested primarily with States.

3. It was important to give prominence to the rights of the child. The Convention on the Rights of the Child, which, it was to be hoped, would become the first universally ratified convention by the time of its tenth anniversary, was yet to be universally applied. Throughout the world, children continued to suffer serious violations of their rights: 300,000 children were recruited as soldiers in armed conflicts, 11 million were victims of prostitution and sex trafficking, 250 million were used as child labour, 160 million suffered from hunger and starvation, 125 million were deprived of education and 25 million were denied a home country. Those children were to be found in rich as well as poor countries, in the North as well as the South. Sweden's former Premier, Mr. Ingvar Carlsson, had been one of the prime movers behind the World Summit for Children held in 1990. It was now time to assess the progress made and establish the agenda for future action. One objective was education, a field in which great progress had been made. On the question of child soldiers, Sweden was of the view that a minimum age limit of 18 years should be established for recruitment. It urged all States to agree to an optional protocol to the Convention on the Rights of the Child covering that question.

4. The right to life was a fundamental right, and the death penalty was unacceptable. While the fact that countries such as Azerbaijan, Bulgaria and Lithuania had abolished capital punishment was to be welcomed, it was regrettable that in others - such as the United States of America, China and Saudi Arabia - persons continued to be executed in circumstances that were not always in conformity with international standards. It was also regrettable that some States, such as Ukraine and the Philippines, were considering reintroducing the death penalty.

5. Torture continued to be practised in a large number of countries. It was the responsibility of Governments to bring the perpetrators to justice. The Swedish authorities were following closely the measures taken in Turkey, Myanmar, Israel and the Palestinian territories to curtail that practice. She also welcomed China's invitation to the Special Rapporteur on the question of torture to visit that country.

6. The Swedish Government would participate actively in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in 2001. In 1998 it had launched a nationwide project called "Living History", to raise awareness among young people about the Holocaust. Racism and intolerance must be fought by each generation and by every society. Specific measures must be taken in every country to protect the rights of particularly vulnerable groups. In Sweden, for example, persons with foreign names and dark complexions found it difficult to get a job. The Government was currently preparing a national human rights plan.

7. Various measures could be taken to strengthen the effectiveness of international human rights instruments. First, they must be implemented more efficiently, which required firmer political will and adequate financial resources. Secondly, all States should ratify the Statute of the International Criminal Court without delay. In that connection, she welcomed the recent decision by the United Kingdom House of Lords concerning General Pinochet. Thirdly, the existing gap between human rights and international humanitarian law must be filled. That could be done, either by identifying humanitarian standards universally applicable in all circumstances, or by establishing a subcommittee on international humanitarian law. Sweden was planning to host a second follow-up seminar on that issue in the year 2000. Fourthly, consideration should be given to establishing an independent petition council with the task of hearing petitions from members of civil society. That body would have no legal power but could come to exert strong moral authority, and could make recommendations to the Secretary-General, the Security Council and the General Assembly.

8. The Swedish Government had long believed that the right to development and human rights went hand in hand. Economic progress encouraged respect for human rights, and vice versa. No human being should be forced to choose between bread and freedom.

STATEMENT BY MR. DEREK FATCHETT, MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

9. Mr. FATCHETT (United Kingdom) reiterated the United Kingdom's full support for the statement made on behalf of the European Union by Mr. Joschka Fischer. Referring to the situation in Kosovo, where thousands of people had fled Serbian repression, he said that that humanitarian catastrophe must be halted. The perpetrators of that appalling violence should be under no illusion: they would be brought to justice.

10. Human rights began at home. The United Kingdom Government had addressed the task of tackling racism. Following the publication, on 24 February 1999, of the report of the Inquiry into the death of Stephen Lawrence, murdered in a

horrendous racist attack in London six years previously, the Home Secretary had published an Action Plan to combat racism, in partnership with the police, criminal justice agencies and other institutions.

11. As to development assistance, the United Kingdom, recognizing the link between poverty and the denial of human rights, was emphasizing the principles of good governance, democracy and the rule of law. In addition, it had set itself the target of reducing third world debt by $50 billion by the year 2000. Lastly, it had increased its aid budget by 28 per cent in real terms.

12. Tackling poverty was only one aspect of protection of human rights. It was also necessary to support those who defended those rights, often heroically. One such example was Rosemary Nelson, a solicitor who had recently been murdered in Northern Ireland. That barbarous act had been condemned by the United Kingdom Prime Minister, Tony Blair, who had promised that no effort would be spared to bring those responsible to justice.

13. States must take practical measures to secure implementation of the Declaration on Human Rights Defenders. Sadly, in some countries, simply to set up political parties was regarded as a crime and individuals who spoke out on behalf of others' rights knew they were risking their lives. One could not turn a blind eye when pro-democracy campaigners were treated as a threat to State security, denied a fair trial and given disproportionate sentences. That was what was happening in China, and it was all the more worrying because the Chinese Government had signed the International Covenant on Civil and Political Rights. In Colombia, where three United States humanitarian workers had been murdered on 4 March 1999, human rights defenders faced daily threats to their lives. Even in Europe, particularly in Belarus, those who spoke out for democracy could not always do so without fear.

14. Turning to the question of the rights of the child, he stressed the urgency of the situation in that field. Too many children were forcibly conscripted into armed conflicts, exploited in sweatshops, or condemned to satisfy adults' sexual demands. The situation of children must be a major concern of every mechanism of the Commission.

15. Those various objectives - combating poverty while ensuring respect for human rights, protecting human rights defenders and safeguarding children's rights - could only be achieved by strengthening the United Nations mechanisms. In that connection, the review of that machinery prepared by the Bureau of the previous session merited constructive discussion. Those mechanisms must be taken seriously. That meant, as a first step, signing and ratifying the international instruments, and putting them into practice thereafter. It also meant allowing special rapporteurs and working groups to visit countries. When they were denied access, the inference was that States had something to hide. It was particularly disappointing that Algeria had chosen not to cooperate with special rapporteurs.

16. The United Kingdom, which had just completed a review of its commitments in that field, would that same day be signing the Second Optional Protocol to

the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The United Kingdom had also embarked on the process of accession to ILO Convention No. 111.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1996/6, 19, 20 and 118; E/CN.4/1999/NGO/1, 2, 10, 33 and 49)

17. Ms. GANDHI (Indian Council of Education) said that the Declaration on the Right to Development recognized that development was a comprehensive economic, social, cultural and political process, which aimed at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. Article 28 of the Universal Declaration of Human Rights provided that everyone was entitled to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized. Yet currently, 20 per cent of the world's population received 80 per cent of world income and 1.4 billion people lived in absolute poverty. Those inequalities continued to grow as a result of the globalization of an economy founded on liberalization, which served further to weaken the developing countries.

18. The Commission must thus stress the need to create an international order based on justice, equity and solidarity. Those who, on the pretext of defending human rights, imposed embargoes and interfered in the domestic affairs of sovereign States, should abandon their policy of hegemony and their rhetorical advocacy of human rights, and instead work for the true defence of those rights, in particular the right to development.

19. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said that the rural movements and small farmers' organizations affiliated to his organization bore witness to the enrichment of the few and the impoverishment of the many, and were forced to the bitter conclusion that agricultural policies based on neo-liberalist economic theories led to the withdrawal of State involvement, the marginalization of small farmers and the intensification of the power of the transnational corporations that controlled international trade in commodities, and in particular agricultural commodities. That was why they had opposed the draft Multilateral Agreement on Investment and supported the proposal for a tax on financial transactions made by the Association for the Taxation of Financial Transactions for the Benefit of Citizens (ATTAC).

20. Furthermore, with modest resources and far removed from the mainstream of trade and financial flows, they were managing to vitalize a grass-roots economy, proving that an alternative economic model was viable. In Mali, for example, a network of rural banks managed by small farmers had been created. In Benin, the establishment of small savings and credit cooperatives was making it possible to put in place income-generating and job-creating activities. In Honduras and Nicaragua, small farmers were setting up community outlets for consumer commodities. In Bangladesh, various organizations of small farmers were trying to establish a self-help force able to defend their rights, fight appropriation of their land by the rich, promote environment-friendly agriculture and exploit local know-how and traditional

resources. In the countries of the European Union, small farmers were refusing to give intensive production priority over employment and the environment, and were opting for alternative, people-oriented agriculture.

21. Lastly, his organization called upon States to look beyond their trade balances, blind subjection to the market and the trade rules imposed by the World Trade Organization, and instead to contribute to improving the tragic lot of entire rural populations.

22. Mr. ROSSARY (International Movement of Apostolate in the Independent Social Milieus) said that the elimination of poverty was the best means of promoting human rights in general and the right to development in particular. The cancellation of debt in the year 2000 would contribute greatly to achieving that objective. Reductions or reschedulings of debt by creditors, such as the Heavily Indebted Poor Countries Initiative, had proved insufficient.

23. His organization endorsed the recommendations made by Caritas Internationalis and International Cooperation for Development and Solidarity in the brochure entitled "Life, Not Debt". Writing off the debt of the 41 most heavily indebted countries would open up the way to sustainable and equitable development and would enable human rights to be strengthened.

24. Mr. RAMANNA (International Institute for Peace) said that scientific and technological progress, careful use of natural resources, peace, security, democracy and a market economy were the best guarantors of the right to development. However, sectarian extremist movements resorted to armed force in order to try to impose political systems that were the very antithesis of those values. In Indian-controlled Kashmir, for example, groups of fundamentalist terrorists had destroyed the economic and educational infrastructure, persecuted intellectuals and entrepreneurs, sought to set communities that had hitherto lived in harmony at loggerheads, and massacred Hindus.

25. In Afghanistan the Taliban flouted human rights in general and women's rights in particular, despite the fact that women had made a major contribution to the development of Afghan society.

26. If it wished to prevent the right to development from being called into question, the international community must not fail to take concerted steps to combat those movements.

27. Ms. GYSIN (Society for Threatened Peoples) said that over the past 25 years more than 8 million people from Java, Bali, Lombok and Madura had been resettled in sparsely populated areas of Indonesia in the name of "national development". That population transfer meant the violation of the rights of indigenous peoples, who were deprived of their lands and forced to abandon their traditional forms of agriculture. The migrants, too, sometimes lived in very poor conditions.

28. That policy was at the root of the bloody inter-ethnic clashes that had taken place in January 1999 on the island of Ambon and in March 1999 in Western Kalimantan. Similar violence was likely to erupt shortly in

estern Papua (Irian Jaya) and Timor. Her organization therefore urged the ommission to call upon the Indonesian Government to end the population ransfers in order to prevent further bloodshed.

9. Mr. PARY (Indian Movement "Tupaj Amaru") said that in the new nternational economic order, transnational corporations, which were the narchic and blind manifestations of the market economy, constituted the main bstacle to the exercise of economic and social rights and to the enjoyment by eoples of their natural resources. Free competition, the driving force ehind globalization, meant the dismantling of governmental structures and the hwarting of State power. It meant the emergence of a world without laws or orals, in which powerful monopolies' only criterion was maximization of rofits through plundering of resources and exploitation of the workforce.

30. In the face of inroads by finance capital, the absence of an international legal framework capable of regulating transnational corporations' investments worldwide was increasingly apparent. At present, the countries in which the transnational corporations had established themselves were incapable of subjecting them to legislation, because they had lost their negotiating power and had no legal means of controlling those corporations' foreign subsidiaries established on their territory.

31. Thus, it was first necessary to tackle the problem of the nationality of the transnational corporations, and secondly, to determine precisely their legal responsibilities with regard to damage to the planet, pollution of the environment, exclusion and extreme poverty. Harmonization of the developing countries' legal systems would fill the gap that currently prevented those countries from standing up to the dictatorship of transnational capital. His organization and the non-governmental organizations (NGOs) that shared its views were therefore calling on the Commission to adopt recommendations aimed at entrusting the Centre for Transnational Corporations with the following tasks: to determine the harmful effects of activities of the transnational corporations on the enjoyment of economic and social rights and, in particular, the right to development; to investigate the unlawful transfer of capital from the poor countries to the rich countries, and fraudulent stock market speculation; to determine the capital structure of the transnational corporations and their global strategy for market concentration at all levels; to examine the legality of mergers of transnational corporations and banks creating monopolies with unlimited powers; to regulate the misuse of international mechanisms such as the World Bank and International Monetary Fund by transnational corporations; and to study the way in which those corporations interfered in the political life of States through subornation and corruption.

32. Mr. KHAN (European Union of Public Relations) said that a people denied freedom and the right to exploit its own resources and whose territory was occupied could not exercise the right to development. That was the case with the people of Gilgit and Baltistan, an area of Jammu and Kashmir that had been occupied by Pakistan since 1947.

33. That region, which was larger than many countries in Western Europe, had no political representatives and no higher education institutions. The literacy rate was 14 per cent. Only persons holding a permit issued by

Islamabad were allowed to travel. The revenue derived from exploitation of the region's resources was appropriated by Pakistan in its entirety. Moreover, Pakistan was bringing in settlers from Punjab so as to alter the region's demographic composition.

34. His organization called upon the Commission to take steps to put an end to the exploitation of the region by Pakistan, and to enable its people to regain their freedom, freely to exploit their land and resources, and to exercise their right to development.

35. Ms. BIONDI (International Confederation of Free Trade Unions) said that her organization, which represented 125 million workers throughout the world, was deeply concerned at reverses in social progress and the intensification of poverty being witnessed in a number of countries.

36. A symposium on the Asian crisis organized recently by the International Labour Organization (ILO) had enumerated the problems bedevilling the countries most affected, namely, the Republic of Korea, Indonesia and Thailand: withdrawal of children from schools; reduced access to health-care services; higher rates of unemployment among women, school-leavers and older workers; malnutrition; and falling incomes and wages. It was probably no coincidence that in those same countries, trade unions had for decades been at best barely tolerated and at worst brutally suppressed.

37. The crisis had at least enabled those countries to gain a new awareness of the democratic and social dimension of development and the need for a social dialogue between Governments, trade unions and employers. In the year and a half since the start of the crisis, several Asian countries, including Thailand, Malaysia, the Republic of Korea, Viet Nam and Indonesia, had ratified various ILO conventions, including Convention No. 87 on freedom of association and protection of the right to organize, or had announced their intention of so doing. All the conditions for sustainable growth could thus be mustered.

38. Economic recovery and development for those regions required the construction of a new development model based on democracy, good governance, human rights in general and workers' rights in particular, including freedom of association.

39. Mr. GONZALES (International Indian Treaty Council) said that under the terms of the Declaration on the Right to Development, peoples had the right to self-determination and to exercise full sovereignty over all their natural wealth and resources. For indigenous peoples, all their other human rights could be realized only if their right to development was respected.

40. In Mexico, a Presidential Decree of 1939 had promised the people of Río Yaqui that the construction of two dams on their ancestral lands would not block their access to water from the River Yaqui. Yet Yaqui farmers now had to pay a prohibitive sum for permits to irrigate their land.

41. In North America, in the Great Lakes region, the Anishinabe, Ojibwe, Pottawatomie and Ottawa peoples were threatened by spills of toxic pollutants that endangered numerous species. The Port Belknap Indian community in the

American state of Montana, the Sokaogon Chippewa indigenous community in Wisconsin and the indigenous nations of the Yukon River also had to fight to protect their environment from pollution.

42. His organization urged the Commission to appoint a special rapporteur with the task of ensuring respect for the human rights of indigenous peoples, including their right to development. Not only the lives of indigenous peoples, but also the life of the earth and of the whole of humanity were at stake.

43. Mr. WAREHAM (International Association against Torture) said that the adoption of General Assembly resolution 41/128 of 4 December 1986 had been a product of the North/South confrontation and had led to fierce debate concerning the equality of all human rights, both civil and political on the one hand and economic, social and cultural on the other. He welcomed the fact that, by its resolution 1998/72, the Commission had decided to establish an open-ended working group to review progress made in that area. Hitherto the issue of development had been dominated by the developed countries. The institutions established to facilitate development, namely, the World Bank and the International Monetary Fund (IMF), had too often acted in the interests of the wealthy States and transnational corporations. When the socialist bloc had collapsed, the developing countries had had no choice but to jump aboard the globalization bandwagon. After investing in Asia in an attempt to maximize profits, the international financial institutions and allegedly "national" banks had summarily withdrawn their funds when the high hopes raised by the Asian tigers had been dashed, thereby seriously destabilizing the region. Those policies, and the structural adjustment measures imposed, ran counter to development objectives and had devastating effects on national economies. In particular, they eroded national sovereignty and led to a deterioration in the quality of life of working citizens.

44. The United States of America, the world's only super-Power, had a purely token interest in the right to development, and the embargo it imposed on Cuba was a glaring example of violation of that right. Its arrogance towards the rest of the world was such that it maintained that position despite its rejection by the entire international community at each General Assembly.

45. Moreover, the United States denied the 40 million Africans resident within its borders the right to development. His organization had described that nation of Africans as a "south in the north". Thirty years after the so-called civil rights reforms, about 40 per cent of black families lived below the poverty line. Living and working conditions of black farmers in the American South illustrated the racism and denial of access to economic means of development to which blacks were subjected. The independent expert and the open-ended working group on the right to development should focus on the underdevelopment of Africans in the United States, a state of affairs that had been ignored for too long.

46. Mr. QUIGLEY (Franciscans International) said that the good intentions expressed by many countries in the 1970s with regard to agrarian reform and redistribution of land had been short-lived, and that since the start of the 1980s a number of States had abandoned the attempt to control agricultural policy, instead giving free rein to the market. The international aid

agencies and donor countries had introduced legal procedures for land transactions and credit programmes in which the private sector played a dominant role. In Colombia, for example, Law No. 160 of 1994 providing a mechanism for market-based land transfers had aimed at reducing the inequality of land distribution and the very high level of poverty in rural areas. Under that system, potential buyers of land were granted 70 per cent of the sale price and participated in activities supported by the World Bank. Nevertheless, according to one United Nations study, that system had had only very limited success owing to the high prices imposed by landlords and narcotics dealers, the refusal of potential buyers to purchase land located in certain areas, and cumbersome bureaucracy.

47. In Brazil, since 1985 a land policy had been implemented aimed at pacifying the millions of discontented small farmers and landless workers while at the same time satisfying the interests of the multinational corporations and landlords. In a pastoral letter published in 1999, Brazil's Roman Catholic bishops had reproached the Brazilian Government for addressing problems piecemeal, applying an economic model that did not take account of small-scale producers, and failing to see that the Landless Movement (MST) and the Rural Union Movement were gaining ground and that there was a linkage between agrarian reform and the problem of unemployment. They had considered it a revealing fact that at a cabinet meeting on unemployment on 10 March 1999 not a single reference had been made to agrarian reform and that the only tools envisaged by the Brazilian authorities in combatting rural unemployment were a strengthening of family agriculture and support for the fruit industry, which was managed by the giant companies.

48. That overview of the situation in Colombia and Brazil illustrated the obstacles to the right to development. Without land, people could not support themselves; they were forced to leave rural areas and settle in the cities, where they often lived in deplorable conditions. The abandonment of agrarian reforms based on land redistribution in favour of market-oriented policies was causing havoc throughout Africa, Asia and the Americas.

49. Mr. SAPI (World Muslim Congress) drew attention to the preambular paragraphs to the Declaration on the Right to Development recalling the right of peoples to exercise full and complete sovereignty over all their natural wealth and resources. While most peoples enjoyed that right, many others, including the people of Palestine and the people of Kashmir, did not. The Declaration on the Right to Development was a fairly comprehensive instrument but had one significant gap: it contained no guidelines on how the natural wealth and resources of territories still under colonial or foreign domination were to be utilized so that the beneficiaries would be, not the Occupying Power, but the rightful owners of those resources. The other relevant international instrument, the Declaration on the Granting of Independence to Colonial Countries and Peoples, was also silent on that matter. As for the Geneva Conventions, they addressed short-term occupations in detail, but said nothing about situations of the kind seen in Palestine and the other occupied Arab territories, or in Kashmir. The conclusion to be drawn was that there was a legal vacuum with regard to the question of the right to development of peoples such as the Palestinians and Kashmiris.

50. The consequences of that situation had been disastrous. Kashmir was the poorest of all territories controlled illegally. It had a very low per capita income and a poor economic infrastructure, although it was rich in agricultural resources and tourist potential. Kashmir's riches thus benefited the Occupying Power and not its people. Measures should be taken as a matter of urgency to remedy that situation, failing which the Occupying Power would exhaust Kashmir's natural resources. There was already evidence of deforestation. His organization called on the Commission to take into account, in the resolution it adopted on the right to development, the plight of peoples such as the Palestinians and Kashmiris, to prohibit the exploitation of the natural resources of occupied territories by the Occupying Power, and to declare that no one had any right to utilize those resources except the people to whom they belonged.

51. The CHAIRPERSON declared the general debate on agenda item 7 closed.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (E/CN.4/1999/5, 21-24, 106 and 108; E/CN.4/1999/NGO/15, 34, 47 and 55)

52. Mr. HALINEN (Special Rapporteur on the situation of human rights in the Palestinian authorities occupied since 1967) introduced his report (E/CN.4/1999/24). Welcoming the emphasis placed by several speakers on the link between peace, democracy and human rights, he said that was the key principle underlying his report. More and more convinced that respect for human rights was a sine qua non for sustainable peace, he believed that the issue should be tackled in political and economic discussions, and regretted the fact that the question of security had been interpreted in the narrow sense, without taking account of human rights and humanitarian law. He urged both parties to look at the human rights situation not only from their own perspective, but also jointly, with a view to putting an end to violations - including, of course, the foreign occupation - and building mutual confidence. Amending the Special Rapporteur's mandate would help depoliticize the issue and focus on protection and promotion of human rights.

53. Torture continued to be practised in Israel, a state of affairs he vehemently denounced, as torture was not to be condoned under any circumstances or in any form. Nevertheless, mention should be made of some positive changes, such as the discontinuation of the most flagrant torture methods, information that had been reported by a sufficiently large number of NGOs to be deemed credible.

54. With regard to the situation of children, a matter to which the Commission drew particular attention at the current session, he stressed that half the Palestinian population was under 15 years of age and that the proportion of children in Palestinian society continued to grow. Nine paragraphs in his report were devoted to the fundamental rights of Palestinian children. Those children were affected by malnutrition, health problems and inadequate education. Some had been killed by Israeli soldiers, others had been given prison sentences for throwing stones. Children in Jerusalem experienced particular difficulties because of problems connected with identity cards and registration of births.

55. It was gratifying to note that at the highest level, the Palestinian Authority was taking the situation of children seriously. The Palestinian High Council for Motherhood and Childhood was drawing up a national plan for those two groups. But in spite of the commitment of a number of NGOs and the aid provided by the international community, more needed to be done. He urged Governments and organizations to give generous support to improving the rights of children in the occupied territories.

56. Mr. RAMLAWI (Observer for Palestine) said that the military occupation of Palestine by Israel was itself a flagrant violation of human rights. That occupation resulted in repressive practices, the chief manifestations of which were: the torture of Palestinians in Israeli prisons; the arbitrary detention of more than 3,000 Palestinians; the confiscation of Palestinian lands to make room for new settlements, particularly in East Jerusalem; collective punishments, including the sealing off of Palestinian lands; and population displacements, especially in Jerusalem, where the process of Judaization of the city verged upon ethnic cleansing. Yet the most dangerous practice engaged in by Israel was the isolation of Palestinian towns and villages from one another through the construction of bypass roads, a genuine system of apartheid that was re-emerging in Palestine after its collapse in South Africa.

57. All those practices were confirmed by the report of the Special Rapporteur, Mr. Halinen, the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and the reports of Amnesty International.

58. Israel perpetrated those human rights violations in contempt of all the agreements it had signed with the Palestine Liberation Organization (PLO) in the framework of the peace process, and of Security Council resolutions 242 (1967) and 338 (1973). Contempt also marked Israel's attitude towards the Commission on Human Rights, the United Nations generally, the Special Committee to Investigate Israeli Practices and the Commission's Special Rapporteur, Mr. Halinen. Israel was the only State that founded itself on contempt for international legitimacy, rejection of the resolutions of the international community and continual violations of the International Bill of Human Rights and of international law.

59. Israel persisted in those practices, which constituted war crimes and crimes against the peace and security of mankind, without risk of punishment at the hands of the international community, and did so because of the influence of the dominant power and because a policy of double standards prevailed in matters of respect for international law. That painful truth could only encourage aggression against peoples, and, in consequence, incitement of those peoples to resist with a view to affirming their rights to freedom, independence and sovereignty over their national territory.

60. Mr. PELEG (Israel) said it was regrettable that the Commission continued to single out Israel by allocating a specific agenda item to the situation in the West Bank and the Gaza Strip, instead of considering that question under agenda item 9.

61. The Wye River Memorandum, based on the principles of security and reciprocity, had been intended to facilitate the implementation of the agreements signed between Israel and the Palestinians. Unfortunately, the Palestinian Authority had not fulfilled its commitment to fight terrorism, and maintained a police force much larger than that permitted under the Interim Agreement.

62. Israel considered that the Special Rapporteur's mandate, which, unlike that of the Commission's other Special Rapporteurs, was open-ended, must be amended. That mandate was also anachronistic, in that it disregarded the fact that by virtue of the agreements concluded between Israel and the PLO more than 97 per cent of Palestinians now lived under autonomous Palestinian administration. Furthermore, there were two sides to the Middle East conflict. The other party, namely, the Palestinian Authority, was guilty of numerous grave violations of human rights which the Special Rapporteur was not authorized to investigate. Moreover, the Special Rapporteur made no effort to verify the information he had received concerning Israel. He himself admitted that that information was hearsay.

63. As for the violations committed by the Palestinian Authority, they ranged from arbitrary detention in overcrowded prisons, without access to lawyers, of anyone who dared to criticize it, to torture or even extrajudicial killings of prisoners in custody. To that list must be added suppression of freedom of speech and discrimination against women and disabled persons. The fact that none of those human rights violations committed by the Palestinian Authority was taken into account by the Special Rapporteur illustrated the one-sidedness of his report.

64. Mr. HÖYNCK (Germany), speaking on behalf of the States members of the European Union, of the central and eastern European countries associated with the Union - Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland and Slovakia - and of Cyprus, said that the European Union was gravely concerned at the impasse in which the Middle East peace process currently found itself. The Union called for immediate implementation of the Wye River Memorandum and a resumption of the negotiations envisaged in the Oslo Accords. It wished to thank the Special Rapporteur for his excellent report on the situation of human rights in the occupied territories, fully subscribed to his assessment that the situation was at the mercy of political considerations, and called upon Israel, in its own interest, to cooperate fully with the Special Rapporteur, whose mandate, as the Special Rapporteur himself had suggested, should be amended when a suitable opportunity arose. Lastly, with regard to the upcoming Conference of the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, the European Union reiterated its firm view that the Convention was fully applicable in that conflict.

65. The European Union was convinced that respect for human rights and fundamental freedoms, both by Israel and by the Palestinian Authority, was ultimately crucial to the re-establishment of peace. Yet serious violations of those rights continued in the occupied territories. The use of torture during interrogations, incommunicado detention, demolition of Palestinian homes, restrictions on freedom of movement and discriminatory treatment of Palestinian Jerusalemites - all practices engaged in by Israel - were

unacceptable. Although Israel had ratified the Convention against Torture, the Israeli authorities continued to apply so-called "moderate physical pressure" against detainees in the course of interrogations. The European Union urged Israel to refrain from such practices, which could not be justified by the fight against terrorism. There was no basis for Israel's claim that action in conformity with its domestic legal system could not, by definition, be a violation of its international human rights obligations. As for the Palestinian Authority, it must answer for many acts of torture, incommunicado detentions and detentions without trial. The European Union therefore urged the Palestinian Authority to ensure that its security services complied strictly with universal human rights standards and, in particular, ended the use of torture. Lastly, it urged the Palestinian Authority to reinstate the de facto moratorium on the death penalty, which had been suspended with the execution of Palestinians in August 1998 and February 1999.

66. The establishment of Israeli settlements in the occupied territories had increased considerably in 1998 and was still continuing, despite Israel's stated commitment to the principle of "land for peace". The European Union again called upon Israel to respect that principle, and, in particular, to abandon its plan to expand Jerusalem's municipal boundaries; and also to stop the tendering procedures for the second phase of construction of the Har Homa colony at Jabal Abu Ghneim.

67. The European Union was also very concerned about the Israeli policy of reducing the Palestinian population of Jerusalem, by subjecting Palestinians to discriminatory practices and laws such as the "Law of Entry into Israel", which gave them the status of foreigners. Moreover, although the Oslo Accords referred to the West Bank and Gaza as a single territorial unit, the sealing off of those territories and the need for their inhabitants to obtain permits in order to travel from one area to another damaged the Palestinian economy and made daily life very difficult. Yet economic prosperity in the occupied territories could help reduce violence and halt terrorism. It was to further that end that a Standing European Union-Palestinian Security Committee and a technical cooperation programme with the Palestinian Authority had been set up. That was also the purpose of the financial aid provided to the Palestinian Authority by the European Union, the European Investment Bank and States members of the Union between 1993 and 1998. In the firm conviction that improving the human rights situation in the occupied territories was a means of promoting peace and economic prosperity, the European Union also provided funds to Israeli, Palestinian and joint Israeli-Palestinian NGOs engaged in promoting understanding and equal rights. The European Union thus intended to continue its active dialogue with Israel and the Palestinian Authority in the framework of the peace process. The recent visit to the Middle East by the presidency of the Union testified to that commitment.

68. Mr. LEGWAILA (Botswana) said that the report of the Special Rapporteur, Mr. Hallinen, made discouraging reading. It showed that the Wye River Memorandum, on which hopes for an end to the lengthy stalemate in the Oslo peace process had been pinned, had remained inoperative and that Israel was actively pursuing its policy of "creating facts on the ground", by establishing more and more Jewish colonies in the occupied territories.

69. Botswana, which had no wish to take sides in the Arab-Israeli conflict, and which had always been of the view that the State of Israel had every right to exist in peace and security, nevertheless found it unacceptable that one of the parties should have more rights than the other.

70. Botswana was convinced that there would be no peace between the two communities until Israel abandoned its paternalistic attitude towards the Palestinians and ceased to arrogate to itself the right to decide on the form that the Palestinian people's right to self-determination should take.

71. Botswana unequivocally supported the Oslo peace process and the Wye River Memorandum and had always insisted on recognition of the right of the Palestinian people to self-determination both in word and in deed. The impunity with which Israel demolished Palestinians' houses without justification, rendering them homeless, was extremely disturbing. The practices referred to in the Special Rapporteur's report were unworthy of a democracy such as Israel, and also unworthy of a people whom history had treated so cruelly.

72. In conclusion, his delegation appealed to Israel and the Palestinians to return without delay to the negotiating table. Israel would never enjoy peace so long as the aspirations of the Palestinian people remained frustrated.

73. Mr. ZAKI (Pakistan) said that few disputes in the world had created such prolonged misery and human displacement as the dispute over Palestine and the occupied Arab territories. For decades, millions of Palestinian refugees had been waiting to return to their homeland. Unfortunately, Israel's reluctance to implement successive peace agreements had put an end to hopes of finding a just and equitable solution of the Palestine question and halting human rights violations in the occupied Arab territories. The recent military actions in South Lebanon had only worsened tensions in that sensitive region.

74. The details given by the Special Rapporteur in document E/CN.4/1999/24, which included reports of confiscation of lands, deportations and the establishment of new settlements, confirmed that the Occupying Power violated all the provisions of international law, including those of the Fourth Geneva Convention, with impunity. Discrimination in employment and restrictions on water use and access to markets added to the deprivation of Palestinians living in the occupied territories. The same process of colonization and expulsion could be seen at work in the Holy City of Al-Quds, where an attempt was being made to alter the demographic composition of the city.

75. Pakistan steadfastly supported the Palestinian people's right to self-determination. It believed that realization of that right, together with an early withdrawal from the occupied territories, would facilitate a just and equitable solution to the Palestine question and pave the way for lasting peace and stability in the Middle east. For its part, the international community must reassert its solidarity with the Palestinian people and assist the Palestinian Authority in overcoming the economic difficulties facing it. In order to protect the political and social rights of the Palestinian people, the High Contracting Parties to the Fourth Geneva Convention should ensure

compliance with the Convention, and, in particular, with those of its provisions pertaining to the right of peoples living under occupation to enjoy the use of their lands and economic resources.

76. Mr. BENJELLOUN-TOUIMI (Morocco) said that the 1993 Oslo Accords had provided for a five-year interim period at the end of which a decision would be taken on the final status of the West Bank and Gaza. Yet, as that period neared its end, the negotiations on that question, which were supposed to have begun long ago, had not yet started, and Israel had not undertaken the successive redeployments to which it had committed itself. On the contrary, it was intensifying its policy of establishing settlements in the West Bank and its actions aimed at isolating Jerusalem from the Palestinian territories politically, economically and socially, in flagrant violation of the provisions of the Oslo Accords stipulating that nothing must be done to alter the status quo on the ground. That systematic policy of creating facts on the ground was accompanied by almost daily harassment aimed at humiliating Palestinians, and by collective punishments in breach of the Fourth Geneva Convention.

77. Morocco therefore called upon the Israeli Government to reconsider its decision to suspend implementation of the Wye River Memorandum signed in 1998 with a view to relaunching the peace process. If the Israeli State was sincere in its desire for peace, it must understand that there could be no peace without justice. To view the peace process solely from the security standpoint could only lead to an impasse, for security was just one stage in a greater project to which all the peoples of the region aspired and of which respect for human rights and humanitarian law formed an integral part. The historic breakthrough achieved in 1993 had resulted from a realization that the conflict could not be resolved by force and that a political settlement depended on respect for the international rule of law. The policy of hegemony had already run its course, and was now merely delaying unduly and dangerously a day of reckoning indelibly engraved in the book of History. The international community must thus seek to ensure implementation in good faith of the agreements intended to secure a just and lasting settlement, so as to prevent the stronger party from forcing the weaker to accept what passed for peace but amounted to capitulation. Achievement of a just and comprehensive peace in the Middle East also entailed an end to military action and a withdrawal of the Israeli troops in Lebanon, pursuant to Security Council resolution 425 (1978), as well as a resumption of negotiations on the Syrian front on the basis of Security Council resolutions 242 (1967) and 338 (1973).

78. Mr. ZAFERA (Madagascar) said that the state of affairs depicted by the Special Rapporteur in his report (E/CN.4/1999/24) gave cause for serious concern. Inter alia, in spite of the hopes raised by the signing of the Wye River Memorandum in October 1998, the Special Rapporteur noted in paragraph 20 of his report that there had been no improvement in the situation. On the contrary, the occupied Palestinian territories were witnessing a persistence of the policy of collective punishments, confiscation of lands for the benefit of settlers, use of torture in interrogations and violations of the Fourth Geneva Convention perpetrated against Palestinian prisoners. Promotion and protection of human rights in the occupied Arab territories, including Palestine, were essential to the maintenance and strengthening of security in the region. So long as those rights continued to

be violated and the bases of international law and principles of international humanitarian law flouted, prospects for the restoration of lasting peace in the region would remain remote. The international community must act without delay to ensure that the hopes raised by the signing of the Wye River Memorandum were not dashed. It must ensure that the Occupying Power, Israel, ended the human rights violations for which it was responsible.

79. Ms. ECKEY (Norway) said that the status of the peace process in the Middle East had direct effects on the human rights situation. Thus, failure to implement the peace agreements by one or the other party had often led to violations of fundamental rights. The building of new settlements, the use of torture and administrative detention, terrorism and the closing of borders were interconnected aspects of the same complex reality. Norway attached great importance to the strengthening of democratic institutions, the rule of law and respect for human rights in the Middle East.

80. Israel, as a democratic country, had a vital role to play in that process. While Israelis had long lived with the threat of open confrontation and innocent people were at the mercy of reckless extremists, the use of non-democratic means by one side did not justify the use of such means by the other side. Norway had therefore urged Israel to refrain from the use of torture or "moderate physical pressure" against Palestinian detainees. It also hoped that both the Israeli authorities and the Palestinian Authority would support the efforts of the Special Rapporteur in the future.

81. Norway regularly discussed the question of human rights with the Palestinian Authority. However great the social and economic difficulties facing it, full responsibility for improving the human rights situation in the Palestinian territories rested with the Palestinian Authority.

82. Norway urged the parties to do their utmost to build confidence and cooperation so as to safeguard the spirit of the Oslo Accords. The international community believed that the two parties had both a political and a moral obligation to put the peace process back on track. However great the difficulties to be overcome, the rewards would be worth the effort, whether in terms of prospects for lasting peace, or of the prosperity and welfare of the populations concerned.

83. Mr. CHOWDHURY (Bangladesh) said that although there were tragic times in the history of any people, for the Palestinians those times seemed to be never-ending. The Israeli occupation of Arab territories, including the Syrian Golan and South Lebanon, continued to be a blot on the conscience of the age. The fiftieth anniversary of the Universal Declaration of Human Rights had also marked five decades of occupation of the Palestinian territories and serious human rights violations in those territories. Unfortunately, the hopes raised by the signing of the Wye River Memorandum had been dashed by the Israeli decision unilaterally to suspend implementation of the Memorandum. The Palestinians were caught in a vicious cycle of frustration born of a lack of genuine progress towards peace.

84. In his report (E/CN.4/1999/24), the Special Rapporteur drew attention, inter alia, to the continuing construction of Israeli settlements and the heightened pace of demolition of Palestinian homes, factors that could only

contribute to a worsening of tensions. Concern was also growing at Israel's attempts to influence the outcome of the negotiations on the final status of Jerusalem by altering the demographic, cultural and religious composition of the city. It was alarming to note that the situation of human rights had deteriorated since the start of the peace process. There was now an urgent need to revitalize that process with a view to achieving a genuine peace founded on the rule of law, morality and justice. It had been said time and again that lasting peace in the Middle East could be achieved only through the realization of the legitimate right of the Palestinian people to self-determination and to an independent State in what had always been and remained their homeland.

85. It had become clear that a piecemeal approach had not been conducive to a settlement of the Palestinian question. Bangladesh believed that only a comprehensive solution, based on mutual confidence and taking account of the economic, social and security interests of all the parties, could guarantee a just and lasting peace. The fiftieth anniversary of the Geneva Conventions could provide an opportunity for convening a conference of High Contracting Parties to the Fourth Convention aimed at securing its application in the occupied Arab territories, including Palestine. As a party to those Conventions, Bangladesh was ready to play an active part in such a conference with a view to bringing an early end to the human suffering in the occupied territories.

86. Israel, which also persisted in its refusal to cooperate with United Nations human rights mechanisms, should recognize that its intransigence would lead it nowhere. Bangladesh would never tire of repeating that the solution to the Palestinian question was to be found in cooperation and reconciliation, not in hatred and brutality. It believed that the people of Israel, who like any other people aspired to live in peace, shared that opinion. Sooner or later, peace and justice would triumph and the prolonged suffering of the Palestinian people would come to an end. The Commission could and must contribute in every possible way to that end.

87. Mr. TCHOUMAREV (Russian Federation) said that in the view of his country, which was one of the sponsors of the peace process, only the principles of a peaceful settlement set out in the Oslo Accords and Security Council resolutions 242 (1967) and 338 (1973) could guarantee peace and prosperity in the Middle East. In other words, only a comprehensive peace that took account of political, social and economic factors as well as the security concerns of the two parties could guarantee a lasting settlement of the question. Realization of the right of the Palestinian people to self-determination and to an independent State were the keys to that settlement, and the best way of achieving it was to bring the negotiations on the final status of the West Bank, the Gaza Strip and the city of Jerusalem to a successful conclusion.

88. Establishment of the rule of law and civil society under the occupation was no easy task. While endorsing the Special Rapporteur's view that the Israeli occupation of the Palestinian territories was the root cause of human rights violations in the area, the Russian Federation could not but be concerned at the reports of a deterioration in the human rights situation in areas under the control of the Palestinian Authority. That being said, the expansion in the number of settlements, and of roads linking the settlements to one another and to Jerusalem, worsened tensions in the occupied

territories, while confiscation of lands and the destruction of the agricultural infrastructure hampered realization of the Palestinians' right to development. Israel's failure to comply with its obligations under humanitarian law was another source of concern. The Conference of High Contracting Parties to the Fourth Geneva Convention scheduled for July 1999 should provide an additional opportunity to consider that aspect of the question. It was also regrettable that Israel refused to engage in a constructive dialogue with the international human rights mechanisms or to take account of the recommendations of such eminent bodies as the Committee against Torture. The Russian Federation was ready to participate in international efforts to put the Middle East peace process back on track, to contribute to a resumption of the talks between Israel and the Syrian Arab Republic and to promote a settlement of the conflict in South Lebanon.

89. Ms. DIALLO (Senegal) said that when, in 1947, the United Nations had decided to divide Palestine into an Arab State and a Jewish State, it had accorded both the Palestinian and the Israeli people the right to sovereignty and self-determination. One of the keys to the search for a just and lasting solution was thus recognition by each party of the legitimate right of the other to self-determination, a fundamental right that had been at the root of the creation of several States Members of the United Nations. In order for the Palestinians to be able at long last to enjoy that inalienable right, the occupation of their territory must cease. The creation of a viable, democratic and peaceful Palestinian State was also the best guarantee of security for Israel.

90. The continuation of the peace process nevertheless required scrupulous respect for human rights. The President of the Palestinian Authority had repeatedly committed himself to respecting international human rights standards, and in particular the provisions of the Universal Declaration of Human Rights. It was for the international community to support the efforts being made by the Palestinian Authority to meet the humanitarian, economic and social needs of the population. On the other hand, one could not seek to ensure peace and security by such means as violations of human rights, expropriation, establishment of new settlements, sealing off of territories, arbitrary arrests or ill-treatment of detainees. The report of the Special Rapporteur (E/CN.4/1999/24) contained details in that regard which should assist the Commission in contributing positively to the promotion of human rights in the region.

91. The road to peace was strewn with obstacles. Nevertheless, from the Madrid Conference to the Wye River Memorandum, by way of the Oslo Accords, some firm common ground had been found. To encourage the peace process was to give the Palestinian and Israeli leaders the means with which to overcome the disagreements that persisted. Senegal had spared no effort to achieve that goal, for it was more than ever attached to the virtues of dialogue and respect for human dignity and human rights which alone could promote the climate of peace and brotherly understanding to which the peoples of the region aspired.

The meeting rose at 1 p.m.

UNITED
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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/SR.12
7 April 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 31 March 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

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GE.99-11819 (E)

The meeting was called to order at 3 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/1999/5, 21-24, 106 and 108; E/CN.4/1999/NGO/15, 34, 47 and 55; A/53/661)

1. Mr. IDRIS (Sudan) said that the continued occupation of Arab territories and the violation of human rights there by Israel had been well documented in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/53/661). The continued occupation of the Syrian Golan violated the Charter of the United Nations and international law, which prohibited the acquisition of land by force.

2. The international community had repeatedly sought Israel's compliance with General Assembly and Security Council resolutions and had declared Israel's decision to impose its own laws and authority on the Syrian Golan to be null and void. It had also called on Israel to stop changing the demographic composition of the Syrian Golan, to allow the people of that territory to return to their homes and to stop building settlements there.

3. Israel must comply with the will of the international community and halt the closing off of the occupied territories and cease applying other measures in occupied Jerusalem, especially collective punishment. Israel must implement the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) which had been applicable to the occupied territories, including occupied Jerusalem, since 1967. Israel's withdrawal from the occupied territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights would be the best way to end the human rights violations occurring in those territories.

4. Mr. MORJANE (Tunisia) said he was deeply concerned at the escalation of human rights violations in the occupied Arab territories. The report of the Special Rapporteur (E/CN.4/1999/24) indicated that the current serious violations were merely a continuation of past practices. A major source of concern identified in the report was Israel's expansion of existing settlements and construction of new ones in the occupied territories. Also disturbing were the demolition of Palestinian homes, the worsening conditions experienced by Palestinian prisoners in Israeli prisons and detention centres, the closure of the territories and a general denial of the Palestinians' rights.

5. Despite the many resolutions adopted by the General Assembly and the Commission condemning such practices and calling on Israel to comply with its international commitments, including the Fourth Geneva Convention, Israel persisted in violating the provisions of the international human rights instruments.

6. Tunisia had consistently supported the Middle East peace process from the outset and believed that any settlement must be based on Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace. The hopes that had been generated by the Oslo Accords had been dashed by the

current paralysis in the peace process caused by the Israeli Government's refusal to keep its promises. The excuses given for Israel's actions merely rendered the process devoid of meaning. His delegation therefore hoped that Israel would return to the path of peace and moderation so that the peace process could resume its course.

7. Ms. GERVAIS-VIDRICAIRE (Canada), having commended the Special Rapporteur on his thorough report (E/CN.4/1999/24) said that the achievement of a just, lasting and comprehensive peace was the best way to ensure respect for human rights in the West Bank and Gaza Strip. She therefore urged both Israel and the Palestinians to honour the commitments they had undertaken in the Wye River Memorandum.

8. While her delegation did not underestimate the complexity of the human rights issues facing Israel and the Palestinian Authority, it believed that the human rights of the population of the occupied territories were being routinely denied. Canada endeavoured to make a positive contribution to the human rights situation in the territories by maintaining contacts with Israeli and Palestinian human rights non-governmental organizations (NGOs) and pursuing a dialogue with the authorities on both sides. Canada had also offered to provide technical assistance with elections, had sponsored a visit to Canada by Palestinian legislators and currently chaired a working group on refugees in the context of the peace process.

9. Her Government did not recognize permanent Israeli control over the territories occupied since 1967 and opposed all unilateral attempts to establish new settlements in the territories and annex East Jerusalem and the Golan Heights. Such actions were contrary to interna ional law and harmful to the peace process. The status of all disputed territory must be settled on the basis of the relevant Security Council resolutions.

10. The provisions of the Fourth Geneva Convention applied to the occupied territories. She therefore welcomed the efforts to render the territories more open and encouraged Israel to permit greater freedom of movement between the West Bank and Gaza. The designation of Palestinian residents of East Jerusalem as "resident aliens" and the withdrawal of their identity cards violated the Fourth Geneva Convention and international humanitarian law.

11. The decrease in administrative detentions and the discontinuation of the most severe methods of torture were to be welcomed, but the continued use of administrative detention and of "moderate physical pressure" were unacceptable, as was Israel's detention of Lebanese citizens for bargaining purposes.

12. Since the Palestinian Authority also was expected to uphold the norms of international humanitarian law, reports of human rights violations by the Authority were a source of concern. The judiciary must be strengthened and a real separation of powers must be established within the Authority, and her Government was prepared to help develop appropriate institutions in that regard. In addition, Palestinians in the West Bank and Gaza Strip must be allowed to express their views without fear of retribution by the Authority.

13. Her delegation intended to study the question of convening a conference of the High Contracting Parties to the Fourth Geneva Convention in accordance with General Assembly resolution ES-10/4 and hoped that such a conference would contribute positively to the human rights situation in the occupied territories. Her delegation also believed that the Special Rapporteur's mandate, like that of other country rapporteurs, should be subject to annual renewal and not dealt with under a separate agenda item.

14. Mr. F.A. AL-THANI (Qatar) said that the General Assembly, the Security Council and the Commission had been considering Israel's violations of human rights and fundamental freedoms in the occupied territories since 1967 and had always condemned them, yet Israel had consistently failed to comply with such resolutions. The presence of occupying forces in the Syrian Arab Golan and Southern Lebanon and the human rights violations perpetrated by them there must again be condemned by the Commission.

15. The Madrid Conference had sought to establish a just peace based on the principle of land for peace and respect for international law. However, the desire for peace could not be purely one-sided. The only way to ensure respect for human rights in the occupied Arab territories was through compliance with the relevant United Nations resolutions. Until such time as a settlement was reached, the new type of apartheid constituted by the isolation of the Palestinian territories must be condemned.

16. Mr. WANG Min (China) said he welcomed the progress achieved in the Middle East peace process since 1991, particularly the signing of the Wye River Memorandum in October 1998. It was regrettable therefore that Israel had suspended the implementation of that agreement and that peace talks between Israel and the Syrian Arab Republic and Lebanon were at an impasse. Such delays not only endangered the peace and stability of the region but affected peace and development throughout the world. The establishment of a lasting peace in the Middle East would take a relatively long time, given the complexities involved, and the international community must be patient.

17. China had consistently supported the Palestinian people in its struggle to regain its legitimate national rights. Although it had not acted as a mediator, China had helped to move the Middle East peace process forward at every stage. His Government continued to maintain that the peace talks should be based on the relevant United Nations resolutions and the principle of land for peace. He urged the parties concerned to acknowledge the achievements of the process to date and create an environment conducive to its resumption.

18. The Commission had always played a positive role in the peace process and continued to maintain the question of human rights violations in occupied Arab territories as a separate item on its agenda, thereby indicating the importance it attached to the question. The international community should continue to devote its attention to finding a peaceful solution to the situation in the Middle East with a view to the full enjoyment of all its human rights by the Palestinian people.

19. Mr. FERNÁNDEZ PALACIOS (Cuba) said that, despite some positive achievements under the Wye River Memorandum, the Middle East peace process had come to a halt as a result of the deliberate and intransigent policy of the

current Israeli Government. Israel's policy of ongoing colonization and its attempt to assimilate the occupied territories by force were the primary cause of human rights violations in the region.

20. The methods used by the Israeli General Security Service, euphemistically labeled "moderate physical pressure" were another source of concern. The fact that the injunctions prohibiting torture had been provisionally lifted threatened to make Israel the first country in which torture was legalized as a means of obtaining confessions.

21. The Commission must also focus its attention on the occupied Syrian Golan and once again demand that the legitimate rights of the Syrian people to its territory be restored and that the occupying Power end its policy aimed at changing the physical, demographic and institutional structure of the territory.

22. Mr. MOSTAFA (Observer for Egypt) said that despite the Commission's many resolutions since 1967, Israel had maintained its intransigent position. His Government had made great efforts within the context of the Middle East peace process and had taken the courageous step of concluding a peace treaty with Israel in 1979. It sought to promote a comprehensive settlement in the region on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978). Unfortunately, the peace process was threatened by Israel's failure to respect the commitments it had undertaken at Madrid, Cairo and Washington, and continued to pursue its oppressive policies which had been condemned by the international community.

23. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories and the report of the Special Rapporteur described Israel's efforts to change illegally the demographic composition of Jerusalem, a policy that had been rejected by the General Assembly at its tenth emergency special session, when the Assembly had also called for the convening of a conference of the parties to the Fourth Geneva Convention. Israel must respect the resolutions of intergovernmental bodies so that a just and comprehensive peace could be established in the Middle East on the basis of the principle of land for peace and recognition of the right of the Palestinian people to self-determination.

24. Mr. AL-HUSSAMI (Observer for the Syrian Arab Republic) said that Israel had refused to cooperate with the United Nations or to implement its resolutions. Israeli violations of human rights and fundamental freedoms must be stopped and prevented because they jeopardized regional and international peace and security. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories had been refused access to the occupied territories; that was regrettable and should be condemned. Families had been separated, identity cards withdrawn and the teaching of history in schools distorted. Such practices promoted racial discrimination.

25. Mr. AL-ATTAR (Observer for Yemen) said that, despite international condemnation, the Israeli authorities continued to violate human rights in the occupied territories, with collective punishments, closures of areas,

confiscation of property, demolition of houses, deteriorating social, educational and health conditions, and demographic changes to the city of Jerusalem. The Special Rapporteur's report (E/CN.4/1999/24) recorded continued flagrant violations of international human rights instruments such as acts of aggression against Arab citizens, with thousands of Palestinians and Lebanese being arrested without trial and tortured during investigation. The Special Rapporteur should continue to fulfil his mandate, and the Commission should continue to give the issue the greatest possible prominence, drawing the attention of the international community to the fact that a comprehensive, just peace in the region could not be achieved without the withdrawal of Israeli forces and the establishment of a Palestinian State with Jerusalem as its capital.

26. Mr. OULD TIJANI (Observer for Mauritania) said that the Israeli practices in the occupied Palestinian and other Arab territories as described in the various reports before the Commission violated international human rights law and international humanitarian law and undermined the peace process. The gravity of the measures adopted by Israel had prompted the General Assembly to convene a conference of the High Contracting Parties to the Fourth Geneva Convention to consider ways of ensuring Israel's respect for that Convention, which applied de jure to the occupied Arab territories. On the occasion of the commemoration of the fiftieth anniversary of the Geneva Conventions, the international community should give a clear signal to Israel regarding its responsibilities.

27. The peace process launched in Madrid on the basis of the principle of "land for peace" had been blocked by Israeli obstructionism and prevarication. The Government of Israel should implement the agreements concluded with the Palestinian Authority, and resume serious peace negotiations, with Syria and Lebanon also, with a view to achieving a definitive settlement. Such a settlement could not be reached without an Israeli withdrawal from all occupied Palestinian and Arab territories.

28. Mr. MADADHA (Observer for Jordan) said that the continued occupation by Israel of Palestinian and Arab territories was a flagrant violation of all human rights, which the Commission should consider in all seriousness. The occupation violated international law and international human rights instruments and, as the Special Rapporteur had stated, was the main cause of human rights violations in the region.

29. His Government was fully committed to the peace process but considered that the lack of progress in that process could not be used as an excuse for stopping investigations of the human rights situation. It was concerned at the Special Rapporteur's assertion that human rights violations were growing daily more serious. There were collective violations in terms of economic blockades and other coercive measures; there were continued violations of the Wye River Memorandum in terms of demolitions of houses, confiscation of Palestinian-owned land and the building of bypass roads; and there were violations of the Fourth Geneva Convention. Respect for human rights by the Israeli authorities could help to relaunch the peace process and restore confidence between Israel and the Palestinian people.

30. Mrs. DANAILOV (Observer for Switzerland) said that the Fourth Geneva Convention, of which Switzerland was the depositary, was in the opinion of her Government applicable de jure in the occupied territories, including those whose alleged annexation had not been recognized by the international community. There was a "hard core" in common between human rights and humanitarian law which included the prohibition of torture; the Special Rapporteur had noted in his report (E/CN.4/1999/24) that Israeli interrogation methods remained unchanged, although his general conclusion regarding torture in Israel was optimistic. Her delegation hoped that all security forces - both Israeli and Palestinian - would conform in their practices to international law.

31. The Special Rapporteur had stated in his report that it was of the utmost importance that the convening of the conference of the High Contracting Parties to the Fourth Geneva Convention, as recommended by the General Assembly, be well prepared. As depositary of the Convention, her Government had been invited by the General Assembly to take all the necessary steps to organize such a conference. It had addressed a number of questions to the States parties regarding the arrangements, and was currently awaiting their replies. Consultations and meetings of experts had already been held.

32. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that repeated condemnations of Israeli human rights violations in occupied Palestinian and other Arab territories and calls for ending such inhuman practices and behaviour had fallen on deaf ears; gross and systematic violations of human rights had continued unabated. The Israeli occupation authorities spared no effort in depriving the Palestinians and other Arabs of their rights. The policy of demolishing their houses to prepare for the expansion of settlements was widespread and increasing, with considerable traumatic effects on children.

33. Orders for the detention of Palestinian and Arab prisoners were reviewed by military courts, and the files were classified as confidential. Conditions in detention centres and prisons were unacceptable. Systematic resort to collective punishments, torture, arbitrary detention and extrajudicial execution were flagrant violations of human rights and must be ended. Torture had been authorized and carried out in the face of repeated international condemnation.

34. Restrictions relating to freedom of movement in the occupied territories had continued to affect the social and economic well-being of the population and had created psychological, economic and educational problems. The establishment of checkpoints throughout the occupied territories was yet another method of imposing restrictions on freedom of movement. All such restrictions had worsened the economic, social and cultural situations in the occupied territories.

35. The source of all such gross violations of human rights was the Israeli occupation. To put an end to the violations it was necessary to end the occupation and to establish a Palestinian State comprising the whole of occupied Palestine.

36. Ms. AL-HAJJAJI (Observer for the Libyan Arab Jamahiriya) said that the Special Rapporteur's report (E/CN.4/1999/24) described flagrant violations of human rights in the occupied Arab territories. Violent destruction was being employed to empty Jerusalem of Palestinians. Settlements were being expanded and new ones built; bypass roads were being constructed; land was being confiscated; the Palestinians had no right of free movement; and Israel continually failed to abide by resolutions of the General Assembly and the Security Council. Israel enjoyed the unlimited support and connivance of the United States of America, and operated according to the principle of taking everything and giving nothing, and, if something had to be given, it was first poisoned.

37. Mr. AL FARARGI (Observer for the League of Arab States) said that the Special Rapporteur's report (E/CN.4/1999/24) made it clear that violations of human rights in the occupied territories still continued. Israel had completely ignored a recent General Assembly resolution condemning the establishment of new settlements and continued to demolish Palestinian homes and build bypass roads. It placed administrative obstacles in the way of registering Palestinian births; it deprived Arab inhabitants of Jerusalem of identity cards; and more than 2,000 Palestinian detainees, including women and children, were being held in conditions injurious to their health.

38. The Israeli security forces continued to use torture although Israel had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Israel continued with its policy of closures - one of which had begun in November 1998 and lasted six weeks - preventing Palestinians enjoying their economic rights. There was a need for the Special Rapporteur to intensify his efforts to investigate the situation of human rights in the occupied territories.

39. Mr. HASSAINE (Observer for Algeria) said that there could be no peace in the region until Israel agreed to the unconditional withdrawal from the territories occupied since 1967. The current deadlock in the peace process was due to the uncompromising position of the Israeli administration, which had pursued a confrontational approach since unilaterally suspending implementation of the Wye River Memorandum.

40. The Israeli administration had repeatedly violated the freedom of movement of Palestinians in the occupied territories; it had regularly demolished the homes of Palestinians and seized their land to create new settlements, the goal being to modify the demographic composition of the occupied territories, including East Jerusalem. That created an additional major difficulty for future negotiations on the status of the Holy City.

41. His Government was particularly concerned that the Israeli administration justified the torturing of Palestinian detainees to obtain confessions and information. Such institutional impunity was in complete violation of Israeli's international commitments.

42. The violations of the human rights of the Arab populations in the occupied Syrian Golan Heights and south Lebanon created tension and

instability in the entire region. The international community was duty-bound to condemn such practices energetically in order to work towards creating a climate of confidence and mutual respect essential for achieving peace.

43. Mr. MAACHOU (Arab Lawyers Union) said that Israel had been committing increasingly serious violations of human rights in the Arab occupied territories, including Palestine, since it had suspended the peace process and had become the first country to legalize torture. The Israeli authorities continued to confiscate land, expand settlements and create new ones, impose collective sanctions, demolish homes and commit other abuses, in violation of the Fourth Geneva Convention and its additional Protocol (Protocol I). The General Assembly had condemned such acts as war crimes.

44. Israel was trying to change the demographic composition of the Holy City of Jerusalem through a policy of Judaization. Administrative policies made it virtually impossible for Palestinians to build or even rent homes in East Jerusalem. In 1967, Palestinians had owned about 90 per cent of the land in East Jerusalem, whereas the current situation was that their proportion had been reduced to about 10 per cent.

45. Mr. MELO (World Organization against Torture) said that there had been many human rights violations both in the territories occupied by Israel and in the Palestine Autonomous Areas. The Palestinian Authority did not have the same legal status as Israel and could not therefore be held accountable in the same way, but some of the gross violations committed by its agents must be denounced and the perpetrators punished.

46. The Committee against Torture had repeatedly called for an immediate end to practices such as the use of "moderate physical pressure", but the information received suggested that Israel continued to use torture during interrogation. Over the past 12 months, his organization had documented at least 100 cases in which Palestinians had been held in administrative incommunicado detention. Statements by the detainees were not made available to the defence or subject to judicial review. The Israeli High Court had recently rejected an appeal to release a Palestinian prisoner held in administrative detention since 1994. Currently, at least 79 Palestinians were subject to that form of detention. If no valid charges could be brought against them, they should be released immediately.

47. Over the past 12 months, there had been numerous allegations of grave human rights abuses committed by the Palestinian authorities, including defiance of court decisions by the Palestinian security forces, trials conducted without due process, arbitrary detention, prisoners held in incommunicado detention without charge for long periods and torture and ill-treatment employing methods similar to those used by the Israeli authorities.

48. There had been at least one case in which a minor had been held for almost two months without being charged. Several minors had also been killed by security officials during rallies.

49. Mr. YOUNIS (International Federation of Human Rights Leagues) said that the situation of human rights in Palestine continued to deteriorate. Israel

continued to confiscate Palestinian land, build new settlements and expand existing ones in its determination to change the demography of East Jerusalem, the West Bank and the Gaza Strip. Israeli soldiers and settlers continued to use excessive force against Palestinians. Israel was the only country in the world that had legalized torture.

50. A number of United Nations treaty monitoring bodies had recently concluded that the basic rights of the Palestinian people were being massively violated by the Israeli authorities, and his organization called upon the Commission to condemn such violations. It also called for the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention to adopt measures to enforce that Convention in the occupied Palestinian territories.

51. Mr. SASSOLI (International Commission of Jurists) said that, in his report on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/1999/24), the Special Rapporteur never stated whether or not he considered the information transmitted to him to be true though much of the information he had received could have been verified. Human rights violations by the Palestinian authorities did not fall under the Special Rapporteur's mandate. By mentioning them at the same time as similar Israeli violations of international humanitarian law, the Special Rapporteur ran the risk of appearing to justify or at least relativize them. That the Palestinian authorities often committed such abuses because Israel pressured them to "guarantee Israeli security" could not serve as a justification either.

52. His organization supported the proposal to hold a conference of the High Contracting Parties to the Fourth Geneva Convention on ways of enforcing the Convention in the occupied territories. The conference must be open to all States, and to NGOs as observers, and must be held even if Israel should, regrettably, decide not to attend.

53. Mr. LITTMAN (Association for World Education) reiterated a proposal that he had first made in 1990 (E/CN.4/1990/SR.52) for a "United States of Abraham", which could provide a peaceful solution to an otherwise endless conflict. He was not the only advocate of such a plan: similar suggestions had been made by Yitzak Rabin, King Hassan II of Morocco, Shimon Peres, and the late King Hussein of Jordan. If the will was there, if democratic institutions and respect for human rights became the natural bedrock of civil society throughout the Middle East, such a confederation would be possible.

54. Mr. MACPHERSON (Amnesty International) said that, although the number of Palestinians imprisoned had decreased, more than 1,600 were still being arrested each year and routinely tortured or ill-treated during interrogation. At least 80 were currently held in administrative detention without charge. In addition, some 130 Lebanese nationals had been detained for up to 13 years. In keeping such people as "bargaining chips", Israel was violating articles 7 and 16 of the International Covenant on Civil and Political Rights. The Working Group on Arbitrary Detention and the Committee against Torture had both condemned such detention and the interrogation methods used, but the Israeli Government paid no heed. Many such violations were officially authorized at the highest level, indeed effectively legalized.

55. Abuses by non-governmental groups - more than 100 Israeli civilians had been killed in suicide bombings by armed Palestinian groups over the past five years - could never excuse human rights violations by Governments. Without human rights there could be no genuine security and no sustainable peace. Israel should apply fully in the occupied territories the international human rights treaties to which it was a party.

56. Ms. GYSIN (Society for Threatened Peoples) drew the Commission's attention to the policy of withdrawing Israeli identity documents from East Jerusalem Palestinians who were unable to prove that Jerusalem was their place of residence. In pursuance of the policy of maintaining a Jewish majority in Jerusalem, Palestinian land was confiscated, restrictive building regulations for Palestinian living areas were issued and family reunification was refused. Many Palestinians had left the city as a result of the living conditions there and, until 1995, they had had no difficulty in returning. The Israeli Government had then changed its policy, without warning.

57. The withdrawal of identity cards - for which there was no recourse - amounted to a prohibition to enter the city, whether for work or education. The Palestinians concerned also lost their entitlement to social services. Since spouses and children were also affected, it was estimated that over 8,000 people had lost their Jerusalem residence permits in the past three years. Palestinians were considered immigrants and for them residence in Jerusalem was a privilege not a right, whereas Israeli citizens could resume their residence in Jerusalem at any time. The Commission should call on the Israeli Government to end forthwith the practice of withdrawing identification documents, to return those that had been withdrawn and to allow the reunification of families.

58. Mr. AHMAD (World Muslim Congress) said that the history of violations of the human rights of the people of Palestine went back many years. The Arabs - Muslim and Christian - who had formed 90 per cent of the population in 1918 had since been reduced to a minority. Arabs in Israel suffered general and overt discrimination and their national identity was constantly under attack. Even the minuscule percentage of land the Palestinians had been offered under the Oslo Accords had not been handed over and they were prevented from exercising any meaningful sovereignty. The Israeli attempt to alter the status of Jerusalem, changing the city's Arab and Islamic character, violated Palestinian rights. Israel appeared to consider itself free to violate its treaty commitments and the peace process seemed to be dead.

59. The inhabitants of the illegally occupied Southern Lebanon and Syrian Golan also suffered. In the latter, Israel was constructing new roads in order to bisect the territory and destroy its unitary character. Israel must vacate the Arab lands that it had occupied. The building of Israeli settlements must also stop immediately. He called on the Commission to continue to show its disapproval in the strongest terms of the violation of human rights by Israel in Palestine and the occupied Arab territories.

60. Mr. HALINEN (Special Rapporteur on the Palestinian territories occupied since 1967) said that every aspect of the situation, including human rights, was clearly overshadowed by the occupation, which must therefore end before the peace process could proceed. He endorsed the remark by one speaker that

peace was not just the absence of war. That had to be borne in mind when integrating human rights into the peace process. Lastly, he hoped that the representative of Israel would conclude from the debate that it was in Israel's own interests to cooperate fully and unconditionally with him, as required by his mandate, and with the United Nations human rights mechanisms in general.

61. Mr. RAMLAWI (Observer for Palestine) said that, at the 11th meeting of the Commission, he had sought to raise a point of order when the representative of Israel had strayed from the subject of Israeli practices in the occupied territories. The Chairman had acted arbitrarily and coercively in not allowing him to proceed, notwithstanding the terms of General Assembly resolution 52/250, which conferred on Palestine the right to raise points of order related to the proceedings on Palestine and Middle East issues before the General Assembly and other organs of the United Nations.

62. Secondly, he deplored the request by the Special Rapporteur for an amendment of his mandate, which the representative of Israel supported. The Special Rapporteur's task was to examine human rights violations by Israel; any amendment would not be lawful and could not succeed.

63. The CHAIRPERSON said that, under rule 42 (1) of the rules of procedure, only representatives of member Governments were entitled to raise points of order. In that connection, she recalled that rule 77 of the rules of procedure stated that only the Economic and Social Council could amend the rules. In the circumstances, she had urgently requested the advice of the Legal Adviser in New York. As soon as she received his opinion, she would share it with the Commission and take any action that was necessary.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (E/CN.4/1999/7, 25-27, 30-38, 41-43, 107, 117, 119, 121, 125-127, 129 and 130; E/CN.4/1999/NGO/3, 11, 12, 16-20, 29 and 61; S/1998/581; A/53/402 and 490; A/52/539)

64. Mr. van der STOEL (Special Rapporteur on the situation of human rights in Iraq) said that his latest report (E/CN.4/1999/37) once again contained numerous allegations of systematic arbitrary executions, interference with the independent religious practice of the Shiite community, continuing internal deportations of ethnic Kurds, violations of the right to food and health, violations of the rights of the child and the Government's continuing failure to cooperate in efforts to resolve the hundreds of cases of missing people, Kuwaitis and others, who had disappeared during the Iraqi occupation of Kuwait.

65. Army officers were said to have been among those executed, including some senior officers who had allegedly planned a military coup and others in connection with the unrest in southern Iraq following the assassination of Grand Ayatollah Mohammed Al-Sadr and his two sons. The Grand Ayatollah had been popular in Iraq, especially since he had called for the release of Shiite prisoners, an action which had apparently angered the Iraqi authorities. His

assassination formed part of a series of murders of Shiite clerics and of the systematic suppression of Shiite religious activity. The Government of Iraq denied any responsibility, but it was difficult to see how such assassinations could be possible in a country like Iraq, where security was so well-organized.

66. As long as the politico-legal system in Iraq remained unchanged, serious human rights violations would continue. The Government of Iraq must take steps to change that situation, and it could make a start by accepting the deployment of United Nations human rights monitors throughout the country.

67. Mr. AL-HUMAIMEEDY (Observer for Iraq) said that any reader of the report would realize that its aim was to provoke sectarianism and divide the Iraqi population into ethnic and religious groups. The Special Rapporteur had simply repeated earlier allegations based on misleading data from hostile and unreliable sources which had cited isolated events as though they were systematic. After a proper trial, some persons had been convicted of acts aimed at destroying the national economy and undermining national security. They had been executed. The Special Rapporteur had, however, greatly exaggerated the numbers of persons that had allegedly been executed.

68. As for the so-called violations affecting the population of the southern marsh area and allegations of military attacks and arrests involving certain tribes in southern Iraq, the Special Rapporteur constantly repeated those assertions in his reports in order to mobilize international public opinion against Iraq. As to the question of the resettlement of families from the area, certain hostile parties had tried to exploit the fact that the area bordered on Iran to recruit criminals to destabilize the country. The Special Rapporteur had himself acknowledged that the area had harboured fugitives from justice and deserters.

69. The Special Rapporteur's assertion in paragraph 20 of his report that the Government had not responded to his inquiry about the circumstances of the assassination of Shaykh Al-Gharawi and Shaykh Al-Burujerdi was untrue. On 1 February 1999, Iraq had sent a reply to the Special Rapporteur on summary and arbitrary executions, reporting on the findings of the investigation and inviting the said Special Rapporteur to come to Iraq to acquaint himself with the case and meet the persons accused. In the case of the assassination of Ayatollah Al-Sadr, the culprits had been arrested and had admitted their guilt, as had been recognized by the Special Rapporteur himself.

70. The allegations of violations affecting the rights of Kurds, deportations and forced relocations were baseless. The populations of those areas lived normal lives.

71. On the right to food and health care, the Special Rapporteur had asserted in his report that ration cards were distributed on a discriminatory basis. Yet all United Nations agencies working in Iraq had certified that the current system was comprehensive and fair. That was corroborated in the report of the Secretary-General, document S/1999/187.

72. The Special Rapporteur asserted that the Government of Iraq had not permitted United Nations personnel to assess the effects of the air strikes.

But the United Nations Children's Fund (UNICEF), the World Food Programme (WFP) and other observers had investigated damage in Baghdad and elsewhere and had submitted their reports to the Security Council on 5 January 1999. On 1 February 1999, the United Nations Coordinator in Iraq had submitted a report on his visit to the city of Basra.

73. The Special Rapporteur had devoted 26 paragraphs of his report to missing Kuwaitis as though it were a new subject, whereas it was merely a repetition of the statements in previous reports. He wondered why the Special Rapporteur had not taken up the question of the 1,150 Iraqis missing in Kuwait, whose Government refused to give any information on their fate.

74. Having lost his neutrality and become hostile to the Iraqi people, the Special Rapporteur had become a pawn in the game aimed at destroying Iraq and its demographic cohesion. The report made unjustified allegations, and his Government utterly rejected its recommendations. It would continue to refuse to deal with the Special Rapporteur so as not to give him a chance to do any further harm to the Iraqi people.

75. Ms. KUNADI (India) said that her country, a pluralistic society, took pride in its myriad religions, languages and intermingled ethnicities. It had a long tradition of respecting the collective rights and the distinct identities of its minorities, thereby strengthening the enjoyment of human rights by all its citizens. Democracy was the best guarantor of human rights, and the consolidation of India's democratic system had been among the country's achievements since independence, permitting every element of society to find expression.

76. Secularism was a fundamental tenet of the Indian Constitution and political system; religious tolerance and pluralism had long been hallmarks of Indian society. Like many other societies, however, it had had to confront the rise of intolerance and had endeavoured to find appropriate responses within a democratic framework.

77. Experience had shown that development could not take place at the expense of democracy and India's development processes had invariably sought to integrate social justice, human rights and popular participation. She did not claim that her country had solved all the problems relating to the protection and promotion of human rights. There remained specific areas where economic and social grievances had manifested themselves in violence, for which there could be no justification. Her Government's approach had always been to address the underlying causes through dialogue.

78. Similarly, when considering specific situations, the Commission should adopt approaches in keeping with the characteristics of each of them, balancing "spotlighting" with dialogue, persuasion and technical cooperation. That was not to imply that States should not be held accountable. If, however, the objective was to protect the victims of human rights abuses, speaking out against such abuses might not suffice. Better results might be achieved by encouraging self-criticism and positive change and by offering assistance in sustaining democracy. Enforced compliance was unlikely to yield results.

79. Human rights violations occurred to some extent in all parts of the world and, while egregious violations such as those by the Taliban in Afghanistan should certainly be condemned in the strongest terms, little purpose was served by making criticism and condemnation the general rule. Each situation should be judged on its merits and the approach predicated on the positive results that might be achieved. An essential ingredient was respect for international law.

80. Urgent steps must be taken to arrest such trends as the recrudescence of racism and xenophobia, extremism, narrow forms of nationalism and intolerance: democracy and human rights were undermined when ethnic segregation and chauvinism were supported by claims that societies must be constituted on homogeneous lines before they could become tolerant towards diversity. On the contrary, the best approach was to emphasize holistic and integrated attitudes to human rights.

Statements in exercise of the right of reply

81. Mr. SUNGAR (Observer for Turkey) said that, in her statement that morning, the Minister for Foreign Affairs of Sweden had called his country's behaviour to its Kurdish citizens unacceptable. Her statement was equally so. She had been wrong in saying that mass democratic parties were banned: Turkey had a participatory democracy and a solid social fabric enabling all, regardless of their ethnic origin, to make progress, with equal rights, opportunities and obligations. Nobody was prevented from cherishing his or her own subculture; indeed Turkish culture was itself a combination of such subcultures.

82. The party to which she had referred, the People's Democracy Party (HADED), did not represent all Turkish citizens of Kurdish origin; on the contrary such citizens were to be found in all walks of life, including Parliament, the Government, the military and the business community. She had, at least, made the positive point that there was a distinction between democratic forces and the Kurdish Workers' Party (PKK). Turkey would not fall into the trap of ethnic rivalry which was currently being artificially fanned in certain circles.

83. Mr. MOLANDER (Observer for Sweden) said that the observer for Turkey had unfortunately misconstrued the Minister's statement. The fact that Sweden rejected terrorism did not mean that it condoned human rights violations by Governments combating such terrorism. Indeed, the denial of rights to any ethnic minority was a root cause of violence and a recipe for terrorism and ethnic rivalry. The situation of the Kurds in Turkey was a sad example thereof.

The meeting rose at 5.50 p.m.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/SR.13
17 June 1999

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 April 1999, at 10 a.m.

Chairperson: Ms. ANDERSON (Ireland)

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STATEMENT BY MR. EUGÈNE NINDORERA, MINISTER FOR HUMAN RIGHTS OF BURUNDI

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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GE.99-11823 (E)

The meeting was called to order at 10.05 a.m.

STATEMENT BY MS. LIDYE ERR, MINISTER OF STATE FOR FOREIGN AFFAIRS, FOREIGN TRADE AND COOPERATION OF LUXEMBOURG

1. Ms. ERR (Luxembourg) said that much work remained to be done to ensure the full enjoyment of the universal and indivisible rights enshrined in the Universal Declaration of Human Rights. Luxembourg endorsed the comments which had been made earlier by the representative of Germany on behalf of the European Union, and also supported the efforts that were being made at the current session to reform the mechanisms established by the Commission on Human Rights to promote and protect human rights. Credit should be given to the Office of the High Commissioner for Human Rights for drawing up the technical assistance programmes which often facilitated the enjoyment of human rights. However, owing to insufficient resources, there was a risk that the Office of the High Commissioner would simply perform a laboratory role. Field missions were still largely dependent on voluntary contributions. Accordingly, Luxembourg intended to make a voluntary contribution of $1.5 million in 1999.

2. Luxembourg attached considerable importance to the draft resolution introduced by the European Union calling for the abolition of capital punishment, a legalized form of execution, or at least the suspension of its use, particularly in respect of minors and mentally handicapped persons. The death penalty had not been struck out of the Luxembourg Criminal Code until 1974, but it had never been applied since 1949.

3. The general human rights situation in China continued to cause concern; the measures taken by the Chinese authorities against political dissidents ran counter to the spirit of the dialogue between China and the European Union on human rights. Luxembourg acknowledged that the signature by China of the International Covenant on Civil and Political Rights and the reform of the Chinese Criminal Code were steps in the right direction. However, those commitments needed to be followed up by concrete actions. In that constructive spirit, Luxembourg stood ready to strengthen dialogue between China and the European Union and urged the Chinese authorities to do likewise.

4. On the occasion of the tenth anniversary of the Convention on the Rights of the Child, the number of children affected by starvation, anti-personnel mines and wars had increased; others had become refugees or displaced persons, for example in Kosovo; and others had fallen victim to State-orchestrated terror or terrorist acts perpetrated by armed bands. It was therefore particularly important to give an impetus to the two working groups engaged in drafting the optional protocols to the Convention on the Rights of the Child, regarding the situation of children affected by armed conflict and the sexual exploitation of children.

5. In contrast, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had been drawn up in record time and would enter into force as soon as it had been ratified by enough States. The Committee set up to monitor the implementation of the Convention would then be able to examine individual complaints. Her Government had listened with particular attention to the opinions of Special Rapporteurs

Ms. Coomaraswamy and Ms. Warzazi, who in their remarks about the sexual mutilation of young women and girls had dwelt on the need to substitute customs that were incompatible with human rights with procedures designed to safeguard a community's cultural heritage and respect the physical and mental integrity of its members. The blind authority of tradition needed to be questioned where human rights were concerned. Accordingly, Luxembourg was supporting a project in Mali under the auspices of the United Nations Population Fund (UNFPA); the project provided for the organization of information campaigns and offered alternative income-generating activities to persons who performed ritual operations.

6. The signing, at Rome, of the Statute of the International Criminal Court would make it possible to prosecute persons responsible for committing atrocities during armed conflicts, particularly when the victims included children, old people and women. In that connection, it was important to condemn as strongly as possible the ethnic cleansing currently being carried out in Kosovo by the Belgrade regime, request the International Criminal Tribunal for the Former Yugoslavia in The Hague to launch an inquiry into the acts of barbarism to which the Kosovo Albanians were being subjected, and to bring to justice whoever was responsible.

7. Human rights education was a powerful antidote to poverty and discrimination. Her Government had strengthened its development cooperation policy in a spirit of justice, solidarity and partnership. Official development assistance would reach the target of 0.7 per cent of gross national product by the year 2000.

8. Finally, Luxembourg was actively participating in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It was vitally important not to reduce racism to a war between cultures and to bear in mind that it was an inner scourge threatening society as a whole.

STATEMENT BY MR. VASILY SREDIN, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

9. Mr. SREDIN (Russian Federation) said that his Government was very disappointed that the fragile peace which had previously prevailed in the Balkans had been shattered; the aggression by the North Atlantic Treaty Organization (NATO) against one of the countries in the region, as well as the cynicism of NATO's leaders, who had justified their action by a desire to avoid a humanitarian catastrophe, should be roundly condemned. All the peoples of Yugoslavia were victims of NATO genocide and neocolonialism.

10. The international community's legitimate concern for the protection of human rights should not be used as a pretext to gain acceptance for partisan acts designed to protect selfish geopolitical interests. It was unconscionable that the efforts made over the years to establish a climate of trust between States and to put in place mechanisms to protect human rights should be destroyed overnight, simply because a certain party believed itself to be master of the world. Bombs were currently raining down on Yugoslavia, but the entire human race and the world order were the victims. Admittedly, there were times when the use of force was justified. But, as States had

decided more than 50 years before, the decision to use force should be taken by the Security Council within the framework of the United Nations. The bulk of the international community had recently reiterated its desire to suppress human rights violations through legitimate means by adopting the Statute of the International Criminal Court.

11. In her statement at the opening of the current session, the High Commissioner for Human Rights had laid emphasis on ways to prevent human rights violations and defuse potentially explosive situations. Some useful measures had been proposed. The forthcoming World Conference against Racism was another welcome development in identifying ways to prevent and eradicate discrimination based on race, ethnic origin or national identity. The success of the Conference would hinge on national measures. Despite the extremist statements of certain political leaders, the Russian authorities were firmly committed to fighting intolerance, xenophobia and anti-Semitism, in addition to all manifestations of political hooliganism. Two federal bills were currently before the Parliament, one aimed at combating political extremism and the other banning Nazi writings and emblems. A bill to ban Fascist propaganda was about to be passed. Finally, the concerns raised by the adoption of the law on freedom of conscience and religious associations had proved to be unfounded. Religious observance, either of the traditional or non-traditional kind, was on the increase.

12. Although social and economic conditions in the Russian Federation were difficult, the Russian Government intended to fulfil its obligation to protect rights and freedoms. Human rights protection was no longer the exclusive preserve of the major cities, as had been demonstrated in 1998, which had been designated Human Rights Year in the Russian Federation. Conferences and meetings had been organized across the country to mark the fiftieth anniversary of the Universal Declaration of Human Rights. Such events had helped to promote human rights principles in the regions. In addition, the Russian Federation had ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the Framework Convention for the Protection of National Minorities. Accession to other European instruments was planned.

13. It was regrettable that, in some States which had formerly been part of the USSR, nationalist ideology was still widespread and influential. The phenomenon was particularly noticeable in Latvia and Estonia, where tens of thousands of persons had been deprived of their right to citizenship. Although the situation had improved as a result of efforts by a number of international organizations, there were still many administrative obstacles that hindered the integration of national minorities in those two countries. The Russian Federation hoped that the member States of the European Union would renew dialogue with Latvia and Estonia in the light of the latest findings of the experts of the Council of Europe.

14. The Russian Federation had high hopes for the reform of United Nations human rights mechanisms. They should be more efficient, better coordinated and less politicized. The High Commissioner for Human Rights, who was scheduled to pay an official visit to the Russian Federation in June 1999, had a key role to play. At a time when the world democratic order was under

threat, it was vitally important not to lapse into a confrontational mentality and to continue to protect the human rights and freedoms of all the peoples of the world.

STATEMENT BY MR. EUGÈNE NINDORERA, MINISTER FOR HUMAN RIGHTS OF BURUNDI

15. Mr. NINDORERA (Observer for Burundi) said that Burundi had made significant progress in achieving peace and enhancing the protection of human rights. Several highlights should be mentioned. The peace process had made headway owing to two complementary developments, the first outside Burundi, at Arusha, where the principal parties to the conflict had met on a number of occasions, and the other inside the country, namely the establishment of the partnership for peace. The capital and nearly all of the country's 16 provinces were now completely secure. The Government's programme of action to protect and promote human rights included specific measures such as the arrest and prosecution of State agents responsible for human rights violations, the organization of seminars in 11 of the 16 provinces and the election of human rights committees, the preparation of teaching materials adapted to the real situation in the country, support for civil society associations, the adoption of a reform and modernization plan for the judicial and penal system, the rehabilitation of victims and the gradual return of refugees.

16. Progress had resulted from the joint efforts of the Government, international organizations, national and international non-governmental organizations (NGOs), and financial backers. In addition, the field office of the High Commissioner for Human Rights in Burundi had played a significant role through technical cooperation, the judicial assistance programme and the human rights observer mission. It was vital that support should continue to be given to a population that had endured a senseless civil war and violations of their most basic rights.

17. Admittedly, not everything was rosy in Burundi, but the time was perhaps ripe for a change of attitude in the way human rights problems were dealt with. All too often, the human rights situation in a small country like Burundi became a political football, or even a tool of blackmail. Human rights were exploited as a means to lift economic sanctions or stimulate cooperation which would subsequently benefit the whole population. Furthermore, Hutus and Tutsis alike had often sought to prove that the murderers belonged to the opposite ethnic group, and the authorities had tended to deny or downplay the human rights violations of which they were accused. To achieve lasting peace, the people of Burundi would have to abjure their partisan bickering and work together for the promotion of human rights. Several international NGOs and certain members of the international community also needed to renounce the partisan mentality which had hindered the reconciliation of the Burundian people.

18. Government services certainly continued to exhibit a number of shortcomings; the Government itself faced complex problems. While not denying its responsibility, it nevertheless wished to make a plea that any criticism should be objective and constructive. It also hoped that any shortcomings would not be used as a justification for penalizing its action or taking measures against the civilian population. The Government wished to create a

new dynamism in Burundian society, embracing Burundians both inside and outside the country, with a view to protecting human rights. Accordingly, Burundi would host the next session of the African Commission on Human and Peoples' Rights, which was scheduled to be held in Bujumbura from 26 April to 5 May 1999.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/1999/7, 25-27, 30-38, 41-43, 107, 117, 119, 121, 125-127 and 129-134; E/CN.4/1999/NGO/3, 11, 12, 16-20, 29.and 61; S/1998/581; A/53/402 and 490; A/52/539)

19. Mr. GARRETÓN (Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo) introduced his fifth report (E/CN.4/1999/31) by saying that, during his mission to the Democratic Republic of the Congo from 16 to 23 February 1999, he had met with the highest-ranking authorities in the country, members of civil society and the leaders of the main political parties. He had also visited a number of detention centres. In addition, the Government had permitted him to visit the rebel-occupied zone, where his work had not been restricted in any way and he had met with the leaders of the Rassemblement congolais pour la démocratie (RCD).

20. The climate of hatred, a legacy of the Mobutu era, and the paralysis of the democratization process which had been launched in the former Zaire in 1990, were two salient points that needed to be borne in mind. There had also been serious violations of the right to life and various freedoms, including violations of the provisions of the Universal Declaration of Human Rights, the International Covenants and other human rights instruments to which the Democratic Republic of the Congo was a party, and violations committed by the Kinshasa Government which affected the entire population. Second, there had been violations of the same rights committed by rebel forces fighting the Government. Third, there had been violations of international humanitarian law committed by government forces and their allies during the armed conflict in the east of the country, in particular exactions against the civilian population. And, fourth, there had been violations of the same norms during the armed conflicts in which rebel and foreign forces from Rwanda, Burundi and Uganda had taken part.

21. The chief cause of concern was the state of war which had existed in the east of the country since the beginning of August 1998. It was an "armed conflict involving foreign forces" given that the rebels and their Rwandan and Ugandan allies were seeking to overthrow the established Government, that the latter was supported by other foreign forces, and that the conflict was raging exclusively in the Democratic Republic of the Congo. As far as the Congolese Government and people were concerned, however, the conflict was perceived as a war of aggression in which most of the victims were civilians, including children. The war had inaugurated a real reign of terror in the rebel-occupied zone which had merely fanned anti-Tutsi feeling, especially following the massacres at Kasika, Makobola and Kamituga.

22. Furthermore, measures to ensure the transition to a democratic regime had been insufficient and had not won the support of the civilian population, human rights protection organizations or the political opposition parties, whose activities were still deemed illegal. The process of drawing up a constitution had come to nothing. In the occupied zone, the Rassemblement congolais pour la démocratie was the only authorized party; it tolerated no opposition.

23. Failure to respect human rights was a further cause for concern. First of all, the right to justice was by no means secure. National law did not conform to the principles contained in article 14 of the International Covenant on Civil and Political Rights. Trials before the Military Court were unfair and death sentences were very frequent, despite the fact that no one had actually been executed in 1999. Second, human rights defenders, political leaders and journalists were constantly being intimidated and imprisoned for often specious reasons. The situation was even worse in the rebel-occupied zone, where NGOs could no longer carry out their work. The transfer of prisoners from that zone to Rwanda and Uganda was another worrying development.

24. In contrast, several positive developments were also to be noted, for example the release of a number of political prisoners, the improvement of conditions of detention for persons imprisoned on account of their ethnic origin, and the establishment of a national commission of inquiry to look into the massacres committed in 1996-1997 during the war of liberation. The current Government had blamed its former allies for perpetrating those massacres.

25. The recommendations in the report dwelt on the need for meaningful and responsible negotiations between the Government and the rebels with a view to ending the war. The Government could no longer ignore the aspirations of the people for a credible democratization process involving all Congolese. Lastly, urgent action was required to protect human rights defenders. For their part, the rebels should realize that they lacked popular support because they were seen as an aggressive force which had inaugurated a reign of terror. It would also be useful to expand the jurisdiction of the International Criminal Tribunal for Rwanda or establish another international criminal tribunal to examine acts carried out by the RDC, in particular the violence at Kasika and Makobola. The representation of the Office of the High Commissioner for Human Rights should also be expanded to ensure more efficient cooperation with the Special Rapporteur in the fulfilment of his mandate and to strengthen his cooperation with the Government regarding the promotion and protection of human rights.

26. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Burundi) said that his oral statement would take the place of the report which he normally submitted to the Commission; an unfortunate road accident during his mission to Burundi had prevented him from compiling his report. He nevertheless drew the Commission's attention to the report he had submitted to the General Assembly at its fifty-third session (A/53/490).

27. He had noted with satisfaction the efforts made by the authorities in Burundi to promote the peace process. The adoption of a provisional

constitutional act had made it possible to reduce hostility and restore a modicum of trust between the parties, opening the way to the inauguration of genuine democracy. Admittedly, many problems still hampered the return to normality, for example the refusal of certain armed groups to observe the cessation of hostilities, with the result that dozens of people were still being killed every day. Nevertheless, the negotiations currently under way in Arusha had the merit of bringing together in constructive dialogue some 20 Burundian political groups, representatives of countries in the Great Lakes region, and financial backers. The international community should support that process, even though the negotiators clearly required more time to rally Burundians both inside and outside the country to their cause. The essential task was to bring peace to Burundi, if only to deal with the disastrous consequences of the displacement or flight of approximately 15 per cent of the population. Within Burundi itself, some 600,000 displaced persons had gathered in makeshift camps where they were at the mercy of rebel groups. On the other hand, the lifting after more than three years of the economic sanctions imposed on Burundi by nine East African countries would certainly help to alleviate the suffering of the bulk of the population.

28. A number of human rights violations had been committed in Burundi by agents of the State and rebel groups alike. There had been widespread violations of the right to life. The unarmed civilian population continued to be subject to massacres, summary executions, forced or involuntary disappearances, arbitrary detention, torture, rape and other forms of sexual abuse, and mistreatment of prisoners. Women and children were particularly vulnerable. Some 260 persons facing the death penalty were being held in almost inhuman conditions; most of them had received no legal assistance whatsoever during often hasty trials. He solemnly and urgently appealed to the authorities to fully protect the rights of persons facing the death penalty and called upon them to announce a moratorium on future executions.

29. Beyond the progress that had been made in normalizing the situation, assistance and cooperation were urgently required. The international community should increase support for the judicial assistance programme, for example by taking on a bigger contingent of international lawyers to train their colleagues in Burundi. Moreover, the international community should not limit its involvement to distributing urgently required items to disaster victims; it should also be strongly encouraged to promote the rehabilitation of communities in distress and meet their medium- and long-term development needs. It was therefore necessary to implement a strategy in Burundi which would encourage recovery, as well as peace and national reconciliation. Finally, the international community should allocate adequate resources to the preparation of human rights education and awareness-raising programmes, particularly in support of the bold policy of the Minister for Human Rights.

30. Only a combined approach to the problems of the Great Lakes region could tackle the endemic evils which were tearing the region apart. The High Commissioner for Human Rights should therefore take the initiative of calling a new meeting of the three Special Rapporteurs entrusted with examining the situation in the countries involved. A regional approach to common objectives, encouraged by the international community, would stabilize the Great Lakes region and put it firmly on the path to national reconciliation, reconstruction, development, and democracy.

31. It would be desirable if, at the following session, the introduction of reports could be followed by a question-and-answer exchange.

32. Mr. MOUSSALI (Special Representative on the situation of human rights in Rwanda), introducing his second report to the Commission (E/CN.4/1999/33), said that he wished to highlight a number of facts, recent developments and recommendations.

33. First, the deep trauma inflicted by the appalling genocide of 1994 had persisted despite efforts by the Government and various elements of civil society. That fact accounted for the climate of fear and suspicion which continued to exist in Rwandan society, and a number of human rights violations had been committed by agents of the State who had been unable to repress their desire for revenge. It should also be borne in mind that the genocide of 1994 had virtually destroyed the country's administrative structure and economic potential. The weakness of the judicial system was an enormous challenge for the Rwandan authorities. The acknowledged authors of the genocide needed to be tried and punished in order to appease society. Yet some 125,000 persons were currently in custody, some of whom had been awaiting trial for four years. It should also be borne in mind that most of the survivors of the genocide were women and children in need of special attention. Widows and orphans were often completely destitute and without judicial protection, particularly with regard to inheritance.

34. A number of positive developments had nevertheless come to light during his two most recent missions in January and March 1999. Two new bodies had been established: the National Unity and Reconciliation Commission, the function of which was to report and prevent discriminatory acts, documents and statements and to supervise observance by various social groups of the ideal of national unity and reconciliation; and the National Human Rights Commission, whose mandate was to look into human rights violations committed in Rwanda and prosecute the perpetrators, particularly if they were agents of the State. The latter commission had also been entrusted with raising public awareness of human rights and had the power to institute legal proceedings. The seven members of the commission were chosen by the National Assembly from a list of candidates proposed by the President of the Republic; they were barred from holding any other office. With a view to enabling the commission to function as effectively as possible, he had proposed the organization of a round-table conference in cooperation with the Office of the High Commissioner for Human Rights which would bring together competent actors in civil society and the presiding officers of national commissions in neighbouring countries.

35. It should be stressed that the measures taken by the Rwandan Government to create a climate of trust and reconciliation were encountering resistance in the form of the genocidal intentions of the notorious Interahamwe militias, which were using the Democratic Republic of the Congo as a rear base from which launch their attacks. The support given by Rwanda's neighbour to the militias explained Rwanda's intervention in the Democratic Republic of the Congo and the gravity of the current crisis in the Great Lakes region. It was essential that the various countries in the region, supported by the international community, should reach agreement on a peace plan and a long-term solution, which was the sole means of establishing lasting peace, prosperity and respect for human rights in the region.

36. Mr. MVUMBI-DI-NGOMA (Democratic Republic of the Congo) said that the secretariat would shortly receive a communication from his delegation regarding the human rights situation in the Democratic Republic of the Congo, comprising an overview of efforts to promote and protect human rights in the country and his Government's reply to the most recent report of the Special Rapporteur (E/CN.4/1999/31). In the meantime, his delegation reminded the Commission that the Congolese Government had initiated a partnership with the United Nations, in particular by cooperating with the field office of the High Commissioner for Human Rights in Kinshasa and engaging in a constructive dialogue with the Special Rapporteur, who had been permitted to carry out his mission without restrictions. But the efforts made by the Government and specifically the Ministry of Human Rights to advance the promotion and protection of human rights had been hampered by the war of aggression being waged by the regular armies of Rwanda, Uganda and Burundi. The war was ipso facto a serious violation of human rights and humanitarian law, as evidenced by the massacres of the civilian population in the province of South Kivu.

37. With regard to some of the points raised by the Special Rapporteur in his report and oral presentation, the delegation of the Democratic Republic of the Congo noted that the conflict in the country was, contrary to the claim of the Special Rapporteur, an international conflict, i.e. aggression as defined in article 1 of General Assembly resolution 3314 (XXIX) of 14 December 1974, and the jurisprudence of the International Court of Justice. Moreover, the respective Governments of the aggressor countries had acknowledged the presence of their troops in Congolese territory; the participation of certain Congolese nationals in the conflict was simply a smokescreen to conceal their hegemonic and irredentist designs, namely the creation of a Tutsi state in Kivu and the spoliation of the mineral wealth of the Democratic Republic of the Congo.

38. Regarding the presence of children in the Congolese armed forces, it should be noted that the general staff had prepared a programme to demobilize child soldiers which would be implemented in partnership with international organizations including the United Nations Children's Fund (UNICEF). The recruitment of young people into the Congolese armed forces was currently in conformity with article 38, paragraph 3, of the Convention on the Rights of the Child. His Government also intended to organize a pan-African conference on the demobilization of child soldiers, to be held in Kinshasa.

39. The existence of the Military Court was justified during a war of aggression. It was nevertheless being fully reorganized to conform with the International Covenant on Civil and Political Rights. There were also plans for an appeals court.

40. Regarding the massacres of Hutu refugees, the Congolese Government had established a National Commission of Inquiry which would be independent and could request help from national and international experts to shed light on what had really happened during the liberation wars in the eastern provinces and the equatorial area. Strong evidence nevertheless pointed to soldiers of the Rwandan Patriotic Army.

41. Contrary to the campaign of falsehoods orchestrated by Tutsi extremists, the Democratic Republic of the Congo had guaranteed the protection of Tutsis since the start of the war. Those who had taken shelter in camps at Kinshasa and in the province of Katanga were there for their own safety, as the Special Rapporteur, who had been able to visit them, could testify.

42. The Congolese Government had repeatedly demonstrated its willingness to pursue a policy of democratization in spite of the war. Moreover, the President of the Republic had recently signed some important decrees which would enable Congolese citizens, including the so-called rebels, to discuss three important issues, namely the legitimacy of the authorities in the Democratic Republic of the Congo, the draft constitution, and Legislative Decree No. 194 of 29 January 1999 on political parties and groups.

43. Mr. GAHIMA (Rwanda) said that the Rwandan Government welcomed the report of the Special Representative on the situation of human rights in Rwanda (E/CN.4/1999/33), but regretted that it had given insufficient weight to the Rwandan Government's efforts to improve the situation since the previous session of the Commission. Everyone knew that the genocide between 1990 and 1994 had claimed over 1 million victims, forced over 2.5 million to take refuge in neighbouring countries and devastated the country. It was in those circumstances that the new Government had taken office in 1994 and launched a process of national reconstruction and reconciliation. Over the past year, national courts had continued to try persons accused of genocide and crimes against humanity; they had performed their task satisfactorily. However, owing to prison overcrowding, the Government would shortly be submitting a package of legislative measures to the National Assembly designed to expedite judicial procedures. The number of persons in custody had already fallen.

44. The Government had completely pacified the north-west of the country and had practically halted the violence being perpetrated in the rest of the country by members of the former Rwandan Armed Forces and the Interahamwe militias. The populations which had been displaced following the rebellion in the north-west were currently returning home and their reintegration was proceeding normally. An independent National Human Rights Commission with wide powers, as well as a National Unity and Reconciliation Commission, had been established.

45. The Rwandan Government did not share the Special Representative's view that the United Nations field operation for human rights in Rwanda was necessary; nor was it convinced that it had been successful. It was nevertheless keen to continue its dialogue with the Office of the High Commissioner to determine how the latter could assist the cause of human rights in Rwanda.

46. While it was true that certain members of the security forces had occasionally committed human rights violations, which they would have to answer for, it certainly did not follow that the policy of the armed forces was to kill innocent and unarmed people indiscriminately, as the Special Representative had concluded. Grouped settlements had been organized for economic and social reasons and the Government rejected the politically motivated assertion that a human rights issue was involved.

47. The Rwandan Government disputed the validity of the allegations in the Special Rapporteur's report (E/CN.4/1999/31) regarding the human rights situation in the Democratic Republic of the Congo. The Special Rapporteur had clearly failed in his duty to be impartial and objective by not consulting all the parties involved and omitting to verify his information thoroughly. It should be recalled that, having perpetrated the genocide in Rwanda, the former Rwandan armed forces and the militias had crossed en masse into the Congolese province of Kivu, where they had killed tens of thousands of Congolese citizens of Rwandan origin. They had also diverted the aid which the international community had sent to the Rwandan refugees, whom they had sought to rally to their cause, their aim being the reconquest of Rwanda and a resumption of the genocide. The attacks which they had launched against Rwanda from the Democratic Republic of the Congo had considerably hampered the new Government's efforts to stabilize and reconstruct the country and promote national reconciliation. That was why the Rwandan Government had welcomed the fall of Mobutu, since it had been convinced that the new Congolese Government would put a stop to the activities of the former Rwandan Armed Forces and the militias operating from Congolese territory. However, not only had the Congolese Government refused to cooperate with Rwanda to ensure security along the border, but it had also supported the authors of the genocide and publicly advocated the elimination of Tutsis living in the Democratic Republic of the Congo, who had been variously likened to viruses, mosquitos and garbage. The Special Rapporteur had unfortunately lacked the courage to report those genocidally minded statements, and his shameful silence on the matter made him an accomplice to genocide.

48. The Rwandan Government therefore requested the international community and the Commission to take urgent measures to halt the genocide and the crimes against humanity which were currently being committed by the Government of the Democratic Republic of the Congo, thereby ensuring the liberation and safe evacuation of the survivors and challenging the genocidal ideology which had spread throughout the Great Lakes region.

49. The CHAIRPERSON said that the accusation made by the representative of Rwanda, namely that the Special Rapporteur was an accessory to genocide, was totally unacceptable.

50. Mr. GARRETÓN (Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo) said he honestly wondered whether the Rwandan delegation had actually read his report. Paragraph 45 mentioned "incitement to hatred of the Tutsi (who were referred to as 'viruses, mosquitos, garbage' that should be eliminated)" and "a real policy of ethnic cleansing" in Kinshasa.

51. Furthermore, he had visited the three grouped settlements where persons were being "detained" according to the Rwandan Government and "protected" according to the Congolese Government. He had spoken with over 40 people.

52. He had also conducted a special mission to investigate the Masisi war of 1996, but he had had to compile his report in Rwanda because the Mobutu Government had not permitted him to enter Zaire. He had also travelled to

Goma, a rebel-occupied town, where he had held talks with members of an organization claiming either in law or in fact to represent the Tutsi community.

53. Mr. LALLAH (Special Rapporteur on the situation of human rights in Myanmar) introduced his report (E/CN.4/1999/35) by saying that it was based on information received prior to 31 December 1998 and should be read in conjunction with the interim report which he had submitted to the General Assembly at its fifty-third session (A/53/364, annex).

54. The Government of Myanmar had still not permitted him to enter the country in order to engage in a constructive dialogue on all the issues within his mandate. He therefore intended to describe the human rights situation in the country on the basis of all the reliable information which he had been able to gather.

55. On the subject of democracy, the Government had shown no sign of transferring power to the duly elected representatives of the people or engaging in any meaningful dialogue with the political opposition or minority communities. On the contrary, there had been an intensification of repression, particularly against members of the National League for Democracy (NLD). The General Secretary of the NLD had been unable to pay a final visit to her husband before he died, despite a number of diplomatic efforts. The release of a few prominent political prisoners was admittedly a step in the right direction, but the arbitrary arrest of NLD party workers and a number of students had led to severe overcrowding in prisons and a further deterioration in conditions of detention.

56. In the east of the country, where the ethnic minorities were concentrated, the authorities' disregard for basic standards of international human rights and humanitarian law would inexorably lead to a humanitarian disaster. Half a million people had already been displaced and more than 100,000 had sought refuge in Thailand. The authorities should opt for a political solution as opposed to a military strategy, and in the meantime respect international humanitarian law and human rights with a view to minimizing the suffering of civilians caught up in the conflict.

57. The international community should urgently increase humanitarian aid to the Shan, Karen and Karenni peoples and to refugees who had fled abroad. There was a need to strengthen coordination between the activities of different United Nations agencies and focus on respect for civil, political, economic, social and cultural rights, without which national reconciliation would be impossible.

58. Finally, the Government should urgently put a stop to forced labour, including child labour, and apply the recommendations of the recent Commission of Enquiry of the International Labour Organization regarding Convention No. 29 concerning Forced or Compulsory Labour, to which Myanmar was a signatory.

59. U AYE (Observer for Myanmar) once again regretted that the Special Rapporteur had filled his report with baseless allegations made by a few dissidents and elements which were still intent on engaging in armed conflict

against the Government, while at the same time disregarding information from authoritative sources. The present Government had been compelled to assume certain responsibilities in order to end the state of anarchy that had formerly prevailed in the country. Law and order had been restored, and with the return to peace and stability the Government had implemented development projects and was protecting the rights of its citizens. Those measures were outlined in document E/CN.4/1999/129 dated 22 March 1999.

60. The report had dwelt at great length on political rights and had touched very superficially on the most fundamental human rights of all, namely the right to adequate food, clothing and shelter, and the right to development in peace and security. It falsely claimed that some members of a certain political party had been harassed or arrested by the Government. The fact that various political parties did legally exist proved that Myanmar was in the process of granting political rights and was no longer a one-party State. Only members of political parties which broke the law had been requested, in a most lenient manner, to desist from doing so.

61. The report stated that the previous Special Rapporteur had been denied access to prisons and had been unable to meet with prisoners. Yet it was a fact that the previous Special Rapporteur had visited a number of prisons throughout the country and had taken the opportunity to talk with prisoners. The present Special Rapporteur had merely recycled baseless allegations made by former prisoners and political opponents of the Government.

62. The Special Rapporteur had acknowledged that he did not possess verified statistics on the number of displaced persons. Yet he had cited unverified figures received from groups or persons hostile to the Government. While admitting the complexity of the displacement issue, he had nevertheless put forward simplistic explanations based on outdated and unconfirmed historical facts. He had found fault with the counter-insurgency measures undertaken by the Government, yet no country in the world could tolerate terrorism. The Government was currently endeavouring to understand and address the root causes of the rebellion, namely the lack of infrastructure, the inadequate health-care facilities and the low standard of living. A major financial effort had been made and former insurgents were now working in partnership with the Government. But none of those positive developments had been mentioned in the report, which read like a propaganda document for the remaining handful of insurgents and dissidents.

63. The Special Rapporteur had referred to forced labour and portering. The major construction projects currently under way in Myanmar were being carried out by private contractors and members of the armed forces using the necessary construction machinery. Moreover, as a result of the ceasefire agreements reached with certain insurgents, the need for portering, which was permitted by law, had considerably diminished. The so-called displaced persons or refugees referred to in the report were none other than the family members, relatives and sympathizers of the few remaining insurgents.

64. With regard to the conclusions drawn, the Government of Myanmar agreed that the problem of displacement dated back to colonial times. As far as the recommendations were concerned, his delegation had no problem with the idea that assistance to ethnic minorities living in border regions should be a

Government priority, that the Government should request assistance from the international community, and that efforts should be made to identify a political solution. The Government had long been striving to achieve those goals. Finally, the authorities were prepared to let Ms. Aung San Suu Kyi leave the country for family and humanitarian reasons following the death of her husband Mr. Michael Aris; she would not be prevented from re-entering Myanmar.

65. Mr. AKAO (Japan) said that the more open climate since the end of the cold war, increased globalization and the development of communication via the Internet were binding the international community together more closely. Nevertheless, individuals and entire peoples remained marginalized, particularly in Africa where poverty was a major problem. The integration of African economies into the global economy was one way of conquering poverty; in that spirit Japan had hosted the second Tokyo International Conference on African Development (TICAD II) the previous October. The economic situation had been aggravated by political problems in a number of African countries. The ongoing conflict in the Democratic Republic of the Congo was a major obstacle to the improvement of the human rights situation. Japan was willing to join the international community in efforts to stabilize the political and economic situation in that country, and it urged the Congolese Government to address the humanitarian needs of refugees and displaced persons.

66. Welcome progress had been made in a number of African countries. The Nigerian authorities had taken a series of positive measures, for example the release of Mr. Obasanjo who had subsequently been elected President. Japan had contributed $410,000 to the management of the electoral process. The Government of the Sudan had shown its willingness to advance the peace process. Japan encouraged the Sudanese Government to press ahead with its efforts and welcomed the decision to allow the Special Rapporteur on the situation of human rights in that country to establish contact with the various parties involved. His delegation also hoped that the situation in Rwanda and Burundi would improve.

67. The events unfolding in Kosovo were highly disturbing. Japan strongly condemned the acts of terror and aggression being perpetrated against the population, which had precipitated a flood of refugees into neighbouring countries; it intended to announce a new initiative to help the refugees. The human rights situation in other parts of the former Yugoslavia was also disturbing.

68. Japan urged the Iraqi Government to cooperate with the United Nations human rights protection mechanisms, particularly the Special Rapporteur. It was to be hoped that the oil for food programme would be implemented effectively to alleviate the suffering of the Iraqi people. While welcoming a number of recent positive developments in Afghanistan, Japan urged all the parties involved, and especially the Taliban, to do everything in their power to protect human rights. The situation in the occupied territories in the Middle East was a matter of concern, and it was unfortunate that the Wye River Accord had not been fully implemented.

69. The efforts that had been made to improve the human rights situation in the Islamic Republic of Iran were praiseworthy, and it was to be hoped that

the Iranian Government would deepen its cooperation with the international community. The Japanese Government had repeatedly requested the Cuban authorities to respect human rights. It welcomed the release of political prisoners in 1998 and other positive developments, and earnestly hoped that Cuba would cooperate constructively with the Commission. Japan also continued to be concerned about the situation in Cyprus, and hoped that negotiations between the two sides would develop within the framework of the Secretary-General's mission of good offices.

70. Asian countries had made every effort to strengthen the enjoyment of the civil, political, economic, social and cultural rights of their peoples, despite the financial crisis afflicting the region. The seventh session of the Asian Pacific Workshop on Regional Cooperation for the Promotion and Protection of Human Rights, held in New Delhi, had been well attended. National institutions for the protection of human rights had been established in a number of countries. Japan welcomed the progress towards a peaceful settlement of the conflict in East Timor. The Chinese authorities had demonstrated their willingness to improve the human rights situation, for example by signing the International Covenant on Civil and Political Rights, reforming their legislation and engaging in a dialogue on human rights issues with United Nations bodies and concerned countries. Japan encouraged China to continue its efforts and invited it to ratify and implement the two International Covenants. On the subject of Myanmar, it was regrettable that Aung San Suu Kyi had been unable to bid a final farewell to her husband, Mr. Michael Aris. It was essential that the various parties in Myanmar should enter into sincere negotiations.

71. Finally, the Commission should adopt a more encouraging and balanced approach that combined support for and criticism of countries which demonstrated a willingness to improve their human rights situation.

72. Mr. HÖYNCK (Germany), speaking on behalf of the European Union and the 10 East and Central European countries associated with the Union, said that the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law enshrined in the Amsterdam Treaty, which was due to enter into force shortly, were binding on current and future members of the European Union. Racism, xenophobia, violence and social problems in a number of European countries showed that, despite existing safeguards, constant vigilance was required in the area of human rights. It was in that spirit that the European Union wished to refer to the situation in certain countries, primarily those in which the population was suffering as a result of armed conflict. It conveyed its sympathy to the victims of conflict and expressed its willingness to identify a solution.

73. With regard to the situation in Kosovo, the European Union strongly condemned the reported atrocities against ethnic Albanians and demanded their immediate cessation. The human rights situation in Serbia as a whole continued to give cause for concern, for example violations of minority rights in the areas of Vojvodina and Sandžak. While welcoming the progress that had been made in implementing the peace agreement in Bosnia and Herzegovina, the Union had noted with concern the lack of independence and impartiality of the judiciary in both entities and the continuing violence against returning refugees. The European Union remained convinced that all indicted persons

should be brought before the International Criminal Tribunal for the Former Yugoslavia and requested the authorities in Bosnia and Herzegovina and all relevant countries to cooperate fully with the Tribunal.

74. In Africa, the European Union had been disturbed by the resumption of hostilities in Angola and the resulting violations of human rights and international humanitarian law, particularly in the areas controlled by the União Nacional para a Independência Total de Angola (UNITA). It urged both parties to the conflict to grant humanitarian organizations access to the civilian population throughout the country and to resume dialogue. The European Union also urged Ethiopia and Eritrea to reach a peaceful negotiated settlement, implement the framework agreement of the Organization of African Unity (OAU) without delay, and respect international humanitarian law and human rights standards. In Burundi, the situation remained very precarious because rebel and army activities continued to claim a high number of civilian casualties. The legal system also left much to be desired: 80 per cent of detainees had still not been tried. However, the signing of a partnership agreement between the political forces in Burundi was an encouraging sign; the European Union would offer political, financial and technical support to the Arusha peace process. In Rwanda, unfortunately, human rights violations were continuing and the situation of a number of internally displaced persons was alarming. The European Union urged the Rwandan Government to review its policy of resettlement in villages with the international community, given that forced resettlements constituted a human rights violation. It was vitally important to expedite the establishment of the National Human Rights Commission, which had already been approved by the National Assembly, and to ensure its independence and smooth operation in close cooperation with the High Commissioner for Human Rights. The European Union condemned the atrocities committed in Sierra Leone by factions seeking to overthrow the democratically elected government and called for an immediate halt to the suffering of the civilian population. The absence of a peaceful settlement to the conflict in Somalia remained the chief obstacle to reconciliation and reconstruction in that country. The Somali authorities and the Somali people should refrain from resorting to force. Finally, the European Union noted with regret that Ugandan security forces had also been responsible for human rights violations, in addition to those committed by rebel forces.

75. Massive human rights violations had also occurred in Asian countries. The grave and systematic violations of the rights of women and girls in Afghanistan were particularly disturbing. In that connection, the Union welcomed the Secretary-General's proposal to deploy international civilian monitors in Afghanistan to prevent further violations. In Kashmir, despite the positive measures taken by the Indian Government, the situation was far from returning to normal. The European Union called on the Governments of India and Pakistan to take all appropriate measures to halt the violence, and to take further steps to protect the rights of religious minorities in the subcontinent. The Pakistani Government in particular should prevent the misuse of blasphemy laws and abolish the death penalty for blasphemy. In Sri Lanka, paramilitary groups, the armed forces and the police were still responsible for disappearances, extrajudicial executions, arbitrary arrests and torture. The European Union condemned terrorist attacks by the Liberation Tigers of Tamil Eelam (LTTE) and other paramilitary groups against civilian

targets and the use of child soldiers. It called on the Sri Lankan Government to strengthen the capacity of the Human Rights Commission of Sri Lanka to investigate human rights violations.

76. Concerning Latin America, the European Union welcomed the human rights progress achieved in Guatemala since the signing of the peace agreement, the implementation of which would certainly be expedited by the publication and widespread dissemination of the final report of the Commission for Historical Clarification. The competent authorities should renew efforts to properly investigate certain acts of violence, in particular the assassination of Bishop Gerardi, and ensure that those responsible were brought to justice. Positive measures had been taken in Peru, in particular the abolition of the system of "faceless judges" and the appointment of an ombudsman, and the International Committee of the Red Cross (ICRC) had been allowed to conduct visits. But at the same time the European Union continued to be concerned about prison conditions and the failure to respect the rights of indigenous populations.

77. The European Union was also disturbed by reports of common and large-scale human rights violations in the Democratic People's Republic of Korea.

78. The Union was firmly convinced that respect for democracy and the rule of law were the essential building blocks of just and stable societies. It was therefore concerned about deficiencies in the legal and judicial system of Belarus, and called on the Belarusian Government to revoke regulations curtailing the right to freedom of expression and peaceful assembly and resolve by democratic means the current constitutional dispute with the opposition.

79. As to Equatorial Guinea, the European Union had noted with satisfaction the commutation to life imprisonment of the death sentences handed down to 15 Bubis, yet remained concerned by the continuing allegations of torture, deplorable prison conditions and arbitrary arrests.

80. The Union also called on the civilian and military authorities in Zimbabwe to respect the right to security of person and freedom of the press, having noted with concern that two Zimbabwean journalists had recently been arrested and evidently tortured by the military authorities.

81. The European Union believed that the solution to the current political and constitutional crisis in Haiti could only come about through free and honest elections. It condemned attacks on human rights defenders and urged the authorities to fully investigate the assaults.

82. The European Union urged the Cuban Government to signal its commitment to human rights by acceding to the two International Covenants on Human Rights. Cuba should also cooperate fully and constructively with all the human rights mechanisms of the United Nations. Some aspects of the law adopted by the National Assembly on 16 February 1999, which limited the civil right to express an opinion or disseminate information, were disturbing. The Union reiterated its concern at the continued repression of members of the

opposition and the detention of dissidents, in particular with regard to the heavy sentences recently imposed on the four members of the group of internal dissent who had been charged with subversion.

83. The European Union welcomed the increased cooperation of the Government of Algeria with international partners in order to gather information on the human rights situation in that country; such developments could be seen as a desire to consolidate the democratic process. However, the Algerian Government should also cooperate with United Nations human rights procedures and mechanisms, in particular by permitting the Special Rapporteur on torture to visit Algeria as soon as possible and giving full effect to the concluding observations of the Human Rights Committee. The Union urged Algeria to adhere scrupulously to human rights standards in its struggle against terrorism. In the light of the allegations of involuntary disappearances, the relevant Working Group should be invited to visit the country.

84. Despite some progress, cases of arbitrary detention, extrajudicial executions, forced disappearances and torture were still being reported in Indonesia. The European Union was particularly concerned by the increase in tension and violence in the Moluccas, especially inter-religious hostilities. The Indonesian Government should ensure respect for the rights of ethnic and religious minorities throughout the country.

85. The European Union had followed with great attention the political and human rights developments in Cambodia, and urged the Cambodian Government to ensure that the Khmer Rouge leaders responsible for genocide, crimes against humanity and serious violations of international humanitarian law should be brought before an independent tribunal. The Union was also concerned about the adverse effects of logging activities on the social and economic rights of ethnic minorities and rural populations in certain areas of the country.

86. The European Union hoped that the Mexican Government's measures to promote human rights education for the military, the judiciary and law-enforcement officials would put a stop to impunity and serious human rights violations, in particular torture, while at the same time ensuring the independence of the judiciary. The Mexican Government should intensify its efforts to end discrimination against indigenous peoples and promote their enjoyment of human rights.

87. In Croatia, unfortunately, the necessary measures to make the reconstruction programme operational, for example the launching of a nationwide publicity campaign, had not been taken. Neither had there been any significant progress in eliminating discriminatory legislation. The European Union called on Croatia to abolish all discriminatory legislation, thereby ensuring implementation of the refugee return programme, and hoped that the implementation of the programme to normalize living conditions in the war-stricken areas, especially along the Danube, would continue.

88. There were continuing reports of widespread use of torture and illegitimate restrictions on freedom of expression in Turkey. The European Union urged Turkey to respect the rule of law and international human rights standards, in particular when fighting terrorism, and to continue to respect the decisions of the European Court of Human Rights.

89. The authorities in the Syrian Arab Republic should adopt specific measures to improve the human rights situation in that country, particularly in respect of arrest and detention procedures, prison conditions and freedom of expression.

90. The status quo in Cyprus was still unacceptable; the European Union therefore fully supported the Secretary-General's mission of good offices and called for the full respect of human rights and fundamental freedoms throughout the island.

91. The human rights situation in China had raised new concerns in a number of countries following the arrest of political dissidents and the harsh sentences meted out to them. While applauding the recent improvements in Chinese legislation, and especially the incorporation of the principle of the rule of law into the Chinese Constitution, the Union nevertheless encouraged China to ratify and implement the two International Covenants on Human Rights as soon as possible. The widespread and excessive use of administrative detention and the death penalty, restrictions on religious freedom and freedom of speech, and the situation in Tibet were abiding matters of concern.

92. The right to a fair trial was a basic human right. In that connection, the European Union had followed with interest the trial of the former Deputy Prime Minister of Malaysia. The Malaysian Government's announcement that it intended to establish a national human rights commission was a welcome step.

93. Saudi Arabia should take steps to improve the situation of women in law and in practice. The Government should also be encouraged to limit the use of the death penalty. Improvements with regard to the exercise of non-Muslim worship were to be welcomed.

94. True to its commitment to human rights, the European Union would continue to raise concerns about the situation in certain countries, regardless of the ties of friendship or the relations uniting those countries with the Union.

95. Mr. AL-THANI (Qatar) said that a country only became great when it guaranteed respect and protection for human rights and fundamental freedoms. Fourteen centuries before the Universal Declaration of Human Rights, Islam had proclaimed the equal rights and responsibilities of all human beings. According to Islam, all human beings, regardless of nationality, religion and race, possessed natural rights even before they became members of a group. Islam's contribution to the field of human rights had been demonstrated at the Seminar on Islamic perspectives on human rights, organized jointly by the United Nations and the Organization of the Islamic Conference in Geneva in August 1998. That event had been a step towards rapprochement between nations and dialogue between civilizations.

96. While it was important that all countries should ratify international human rights instruments and incorporate them into their national laws, the rights enshrined therein should also be implemented. Qatar had not only ratified the instruments but had also taken unprecedented measures to

implement them. It was planning to adopt a permanent constitution and an election law that would provide men and women with equal rights to vote and stand for election to the national council.

97. A comprehensive approach was needed to ensure that efforts to enhance human rights would be productive, with due weight given to civil, political, economic, social and cultural rights. Certain religious considerations would also have to be borne in mind. The convictions of a billion Muslims all over the world should be respected. Human rights issues should be considered objectively, without selectivity or discrimination.

98. Qatar believed that the right to development was an integral part of human rights. Convinced of the need to eradicate all forms of racism and racial discrimination, regardless of their causes, it supported the holding of a conference on the issue of racism and believed that the Commission should attach priority to the preparations for such a conference.

99. Qatar also supported the right of the Palestinian people to declare an independent State and the right of the Lebanese people to demand the end of the Israeli occupation of the south of their country; the Syrian Arab Republic should also be supported in its struggle to liberate the occupied Golan. The rule of law and a just and comprehensive peace based on Security Council resolutions was the only way to end the human rights violations against the inhabitants of the occupied Arab territories.

100. His delegation hoped that the Commission, which was the cornerstone of international activities in the field of human rights, would adopt a constructive approach towards all the items on its agenda.

101. Mr. KOH (United States of America) said that, like all countries, the United States had had to confront human rights challenges in its own territory, yet as a nation conceived in liberty, it remained dedicated to the proposition that all persons everywhere were created free and equal. The United States was proud of its human rights record and welcomed comparisons with other countries.

102. His Government rejected the argument that violations of universal human rights could be justified by regional, national, ethnic, cultural and linguistic considerations. For example, no Asian value could explain why the Burmese junta had cynically refused to allow a dying husband, the late Mr. Michael Aris, to visit his wife, Aung San Suu Kyi, for the last time. All nations should condemn the Burmese junta's constant efforts to politicize human tragedy and repress human rights.

103. It was clear not only that human rights were universal, but also that they were indivisible, interdependent and interrelated, and that the surest road to economic rights lay through an open and transparent political system that respected the rights of all citizens. To protect political and economic freedom, it was first of all necessary to recognize the indissoluble link between human rights and political democracy. In that connection, developments in Nigeria, where the recent elections were a step towards democratic rule, should be applauded. But promoting democracy meant more than just holding elections. The Indonesian Government had understood that fact

and had taken specific measures to encourage the establishment of new political parties and independent media, as well as ensuring the full participation of women and ethnic and religious minorities in Indonesian society.

104. Failure to respect human rights went hand in hand with the absence of democracy. The former Yugoslavia clearly demonstrated that truth. The regime of Slobodan Miloševi6 had renewed its murderous campaign of terror against its own citizens. The United States condemned the brutal Serbian attacks on the Albanian civilian population of Kosovo and Belgrade's decision to suppress the domestic and foreign media, thereby denying the world knowledge of its systematic abuse of human rights. The same was true in Sierra Leone, where rebel forces had committed acts of extraordinary cruelty, and in the Democratic Republic of the Congo, where Government forces had also committed violations.

105. However, the Commission should not focus its attention exclusively on the situation in countries where there was armed conflict. In Afghanistan, for example, the Taliban's treatment of women constituted an extremely serious violation of human rights. In Iraq, Saddam Hussein's regime was continuing its campaign of executing political opponents. As the Special Rapporteur on the situation of human rights in Iraq had noted in his most recent report (E/CN.4/1999/37), 2,500 opponents had been summarily executed in Government custody since October 1997. The assassination of three Islamic clerics, the resumption of repression in the south of Iraq, and the continuing forced displacements of Iraqi Kurds and Turkomans in the north were particularly disturbing developments. The Government of the Sudan was also suppressing all forms of political and religious dissent through the use of extrajudicial executions, disappearances, torture, and arbitrary arrest and detention.

106. The Commission must adopt resolutions on the situations in those countries, particularly where regional and bilateral efforts to halt the human rights violations had failed. As a matter of principle, it should condemn those abuses and propose mechanisms to remedy them. No country should be permitted to move that the Commission should refrain from commenting on a particular situation, thereby preventing it from examining whether a country had acted in accordance with recognized international standards. To reaffirm those principles, the United States intended to introduce a resolution on China, where the authorities had initiated a crackdown against organized political opposition. Dozens of political activists had been detained and three leaders of the China Democracy Party had been given harsh sentences in trials violating due process. Restrictions had been imposed on freedom of the press, freedom of worship and freedom of expression, and draconian measures continued to be taken to efface Tibet's unique cultural, religious and linguistic heritage. The same resolution would urge China to respect the rights protected by the International Covenant on Civil and Political Rights, which it had signed but not ratified.

107. His delegation urged all Member States to join the United States in reaffirming that the right to democracy necessarily included a right to peaceful democratic dissent, and that the Commission was competent to examine any Government's conduct in the light of universal human rights standards. For the same reason, the United States intended to support a resolution on the

situation in Cuba, where quite recently four dissidents had been given heavy sentences simply for having non-violently exercised their right to freedom of expression and association.

108. The Commission should also examine the situation in other countries where human rights violations were taking place, for example Belarus, Equatorial Guinea, Algeria, the Islamic Republic of Iran and the Democratic People's Republic of Korea. Ms. Albright, the United States Secretary of State, and himself were from families originating in two countries, the Czech Republic and the Republic of Korea, which had since become free and democratic; that was a message of hope for all those struggling for democracy and human rights.

The meeting rose at 1.05 p.m.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/SR.14
8 April 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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GE.99-11857 (E)

The meeting was called to order at 3 p.m.

STATEMENT BY THE DIRECTOR OF HUMAN RIGHTS OF THE COUNCIL OF EUROPE

1. Mr. IMBERT (Director of Human Rights, Council of Europe) said that once again, ethnic cleansing was being undertaken against a civilian population by the Serbian armed forces and police, involving flagrant violations of humanitarian law and of the most basic human rights. That was a negation of the values whose defence lay at the heart of the Council of Europe. The Council had already expressed its indignation and concern at the situation and its solidarity with the neighbouring countries; had urged President Milosevic to cease immediately his repression of the Kosovo population and had reiterated its willingness to cooperate with all those in the Federal Republic of Yugoslavia who wished to construct a democratic society that respected human rights.

2. The protection and promotion of human rights required a constant effort and, each time new challenges arose, a new expression of political will to meet them. For example, it had been necessary to create a European Commission against Racism and Intolerance. The legal approach to problems needed to be supplemented by an approach and means of action that were more political. It was still important, however, to evaluate the existing legal arsenal, and to improve it wherever necessary. That might mean preparing new standards, like the work being done to include a general prohibition of discrimination in an additional protocol to the European Convention on Human Rights.

3. The considerable increase in the number of individual complaints lodged under the European Convention had led, in November 1998, to the inauguration of a single, permanent Court of Human Rights at Strasbourg. In the area of social rights, an important innovation had been made to the control system established by the European Social Charter: a protocol providing for a system of collective complaints had entered into force in 1998 which would allow trade unions, employers' organizations and designated non-governmental organizations (NGOs) to bring before the Committee of Independent Experts complaints alleging unsatisfactory application of the Charter. The Framework Convention for National Minorities had also entered into force in 1998, and its Advisory Committee of independent experts had begun consideration of the first State reports.

4. A new institution of the Council was to be established at the Ministerial session of the Committee of Ministers in May 1999: a Commissioner for Human Rights. The Commissioner, whose basic mission was to raise awareness among the public and public authorities, would be able to play an important role as a non-judicial institution in the promotion and protection of human rights in member States. He would cooperate with other relevant international institutions in order to avoid unnecessary duplication of work.

5. In recent years, the Council had recognized the need to create a framework for discussing specific situations outside the conventional treaty systems. The Parliamentary Assembly and the Committee of Ministers had each created its own system for monitoring compliance with commitments entered into by member States. Those procedures allowed for the direct discussion of problems concerning, for example, abolition of the death penalty, the

functioning and protection of democratic institutions and freedom of expression and information. Experience with those new mechanisms was still somewhat limited and their potential had yet to be fully explored.

6. Another area in which the Council might usefully learn from the experience of the United Nations was that of so-called structural human rights violations. Participants in a regional colloquium organized by the Council in September 1998 had stressed the inadequacy of the mechanisms currently available in the Council to put an end to structural violations once they had occurred, or to prevent them in the first place. The control system of the European Convention on Human Rights would have to deal in the next few years with more and more cases relating to structural or massive violations of human rights.

7. The Committee of Ministers of the Council of Europe had adopted in December 1998 an important political declaration in which the Governments of the 40 member States committed themselves to supporting and reinforcing European activities and mechanisms in the field of human rights and paid tribute to the work of the United Nations. They had adopted certain measures, among them the signature and ratification of the Statute of the International Criminal Court and its speedy establishment, and had endorsed the General Comment of the United Nations Human Rights Committee confirming that the International Covenant on Civil and Political Rights was not subject to denunciation or withdrawal. They had urged all States to abolish the death penalty as soon as possible, to maintain a moratorium on executions pending such abolition, and to refrain from reintroducing the death penalty.

8. The Council, which hoped to be able to organize a regional conference to prepare for the World Conference on Racism, was keen to strengthen its links with the Office of the High Commissioner for Human Rights (OHCHR) and to develop further joint action and undertakings between the Office and its own various departments.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/1999/7, 25-27, 30-38, 41-43, 107, 117, 119, 121, 125-127 and 129-134; E/CN.4/1999/NGO/3, 11, 12, 16-20, 29 and 61; S/1998/581; A/53/402 and 490; A/52/539)

9. Mr. COPITHORNE (Special Representative on the situation of human rights in the Islamic Republic of Iran), introducing his report (E/CN.4/1999/32), said it was dated 28 December 1998 and he deeply regretted the fact that it seemed to take so long to translate and distribute reports. The result was that they were outdated by the time they were considered by the Commission.

10. Since his report had been completed, there had been a number of important developments in the Islamic Republic of Iran. Local elections had been held - the first since the 1979 revolution - and in the run-up to them it had been evident that a trial of strength was under way within the Government over the vetting of candidates and the grounds for disqualification. In the end, a compromise had been reached, resulting in all candidates being

qualified unless proven otherwise. About half the population of 63 million was eligible to vote, two thirds of them being women and voters under the age of 30. According to the Ministry of the Interior, some 130,000 candidates had registered, some 5,000 being women. About 300 women candidates had been elected. Some 13 per cent of the eligible voters had taken part in the election, but the actual turnout might have been much higher. The councils were to convene on 29 April 1999, and the process was deemed to represent an important step forward in the development of democratic institutions.

11. No information had come to his attention since his report was written to suggest further substantive developments with regard either to the status of women or to the status of religious and ethnic minorities. He had no evidence to suggest that the pressure under which the Baha'i community lived was lessening.

12. The reference in his report to the series of deaths and disappearances of prominent intellectuals and political dissidents had provoked widespread concern within and outside the Islamic Republic of Iran. In early January 1999, the Ministry of Information had issued a statement that some of its own agents had been involved, and the Minister of Information had subsequently resigned. The individuals concerned were alleged to have been acting on their own. The investigation was continuing, and it had been stated that, when it had been completed, those concerned would be brought to trial. There had, however, been reports of other individuals receiving threatening messages from shadowy groups and there was a rumour that some of the accused were going abroad to escape trial.

13. Since his report was written, there had been more cases of journals being suspended and fines being imposed, in some cases for reasons that at best seemed doubtful. In March 1999, a foreign news agency had reported that a clerics court had declared that any journal mentioning the name of a prominent religious dissenter would be prosecuted. In the most publicized event, a university lecturer and seminary teacher had been arrested by the clerics court and charged with "confusing public opinion". The arrest had been condemned by senior government ministers.

14. The executive branch of the Government, under the leadership of President Khatami, continued to pursue a course that if successful should bring not only popular legitimacy to government but also a new respect for the dignity of the individual and the rights of all citizens. In the meantime, however, the process was clearly a painful one. There had been no sign in the past three months of any invitation to him to visit the Islamic Republic of Iran.

15. Ms. GERVAIS-VIDRICAIRE (Canada) said her Government strongly supported the work of the International Criminal Tribunal for the Former Yugoslavia and urged all Governments to cooperate fully with it in bringing to justice those indicted. The Federal Republic of Yugoslavia must meet its obligations to cooperate with the Tribunal, handing over indictees living on its territory and permitting full access to the Tribunal's investigators throughout the country.

16. While significant progress had been made in Bosnia and Herzegovina, not least because of the unprecedented international engagement on human rights issues there, she called once again on the Bosnian authorities fully to respect the terms of the Dayton Peace Agreement.

17. The conflicts in the Great Lakes region of Africa were sad examples of the impact violence had on the rights of civilian populations. She urged all parties to seek a peaceful solution to the situation and to end ethnic discrimination and the culture of impunity.

18. Chronic and gross abuses of the human rights of the civilian population were being committed by all parties to the civil war in the Sudan. Her delegation was particularly concerned at the abduction of persons into slavery, the use of child soldiers and continued reports of indiscriminate bombing by government forces of civilian installations. It was deeply concerned also about other human rights violations such as religious intolerance and arbitrary arrests.

19. Her Government deplored the fact that Ethiopia and Eritrea had not allowed the International Committee of the Red Cross (ICRC) full access to the battle-front or to prisoners, and was distressed by the suffering of the civilian population and the human rights violations perpetrated as a result of the war.

20. In Sierra Leone, in the conflict, children and adolescents had been recruited as soldiers and slaves; women had been raped and civilians had been killed, mutilated or used as human shields. There were more than a million refugees and internally displaced persons. Those victims must be given effective access to the full protection afforded by human rights and humanitarian law.

21. An important element in advancing respect for human rights was full implementation of internationally binding norms ratified by States. Her Government therefore urged all countries to cooperate with United Nations country-specific and thematic mechanisms and to engage in a constructive human rights dialogue with the Commission.

22. The authorities in Iraq continued to rule by terror, indiscriminate arrest, imprisonment and execution. Iraq had taken no steps to curb its widespread human rights abuses, and had refused to cooperate with the Commission's Special Rapporteur. She urged the Government of Iraq to end arbitrary detention and the execution of political and religious opponents, enforced disappearances, torture, denial of freedom of expression and forced displacement and deportation.

23. The military regime in Myanmar maintained its unrelenting repression, ignoring the international community's call for dialogue and rejecting the efforts of both the Commission's Special Rapporteur and the Special Representative of the Secretary-General. She called upon the Myanmar regime to demonstrate a genuine commitment to national reconciliation.

24. The absence of respect for human rights and the serious humanitarian crisis in the Democratic People's Republic of Korea was of continuing concern

to her delegation, which was disturbed by the Government's denunciation of the International Covenant on Civil and Political Rights. She urged that Government to cooperate fully with United Nations agencies and international NGOs engaged in providing humanitarian assistance.

25. Afghanistan was one of the worst countries in the world in terms of the extent and intensity of human rights abuses. The Taliban had scorned democracy and openly rejected human rights, undertaking gross violations of the human rights and fundamental freedoms of women and girls.

26. Intolerance could also lead to insidious forms of human rights violations, such as those resulting from the recurring violence and terrorist acts in Algeria, which undermined the structure and stability of the State and denied most fundamental human rights. The need to combat terrorism did not lessen the Algerian Government's obligation to prevent human rights violations.

27. In the Islamic Republic of Iran, President Khatami's plans for a tolerant, law-abiding society continued to unfold in the face of much resistance. Her delegation had welcomed the conduct of the first municipal elections in the country but had been deeply disturbed by the murder of intellectuals and writers, though the Government's arrest of suspects had provided some encouragement. Much more progress had to be made on the core issues of women's rights, and she was concerned at the discrimination faced by the Baha'i community.

28. Her delegation welcomed China's signature of the two International Covenants of Human Rights, and urged their rapid ratification. Noting China's achievement in improving the standard of living of its people through economic reform, its efforts to limit the abuse of power and authority and its commitment to modernizing its legal system, her delegation was still disturbed by the situation of human rights in that country, including intolerance of freedom of speech, constraints on freedom of association and freedom of religion, particularly in Tibet, and the extensive use of the death penalty, as well as harsh sentences imposed on political dissidents.

29. She welcomed Indonesia's efforts to address human rights concerns, including the ratification of a number of international conventions, but remained concerned about communal and ethnic violence and the security forces' response to it, as well as the incomplete investigations of past human rights violations. Progress had been made on East Timor in the past year, and she hoped that the increased cooperation of Indonesia would lead to a United Nations presence in the territory. Her delegation called for an immediate end to hostilities and the launching of a disarmament process. All parties in East Timor should seek peaceful means in the pursuit of their political objectives.

30. Her delegation strongly supported the peace initiatives of the Government of Colombia, despite the deepening spiral of violence in that country.

31. A significant transition to democracy had recently taken place in Nigeria, and the visit by the Commission's Special Rapporteur in November 1998 had confirmed the positive changes taking place there.

32. Her delegation welcomed the recognition in Sri Lanka that investigating disappearances and providing recourse to those who had been subjected to arbitrary arrest and detention were vital to restoring respect for human rights and fundamental freedoms. All parties to the conflict, including paramilitary groups, should ensure the well-being of the internally displaced and full respect for humanitarian law.

33. Finally, her delegation was still concerned at the impunity, abuse of authority, state of the prisons and the essential reform of the judicial system in Haiti, but hoped that the recent steps taken by the Haitian Government would lead to credible elections later in the year.

34. Mr. NENE (South Africa) said that, while it was important to point out shortcomings, it was just as important to acknowledge improvements wherever they occurred. The recent developments in Nigeria could best be described as a victory for the people of that country in their struggle for democracy. They had an historic opportunity to reverse the trend of military rule, to entrench civilian rule based upon constitutional democracy and to restore a human rights culture.

35. Peace was an urgent necessity, for without it there could be no development and no respect for human rights. Political differences could not and should not be solved by force. The experience of his own country clearly showed that only all-inclusive negotiations, involving all parties to a conflict, could lead to a lasting solution and peace. Accordingly, it was the position of his Government and people that war could not be the midwife of peace, stability and progress in the Democratic Republic of Congo, Angola and Burundi. His delegation appealed to all those concerned to bring the long-standing civil war in the Sudan to an end, in the interests of all the people of that country and of its neighbours.

36. His Government was deeply alarmed at the worsening humanitarian and human rights crises in Kosovo, and regretted the failure of the Yugoslav authorities to respond positively to diplomatic efforts to find a peaceful solution to the conflict there. It was also concerned that the bombing raids had led to an escalation of violence which threatened security and peace in the entire region. Emphasizing that the United Nations had the primary responsibility for the maintenance of international peace and security, he appealed to the Yugoslav leadership to abide by the relevant Security Council resolutions and called for the immediate cessation of acts of destruction, repression and human rights abuses.

37. His delegation was gravely concerned about the situation in the Middle East, where Israel's recent military action in southern Lebanon could not but lead to an escalation of violence in the region. His Government supported the right of the people of Palestine to a sovereign State in conditions of security, as well as the integrity of the borders and territories of all the countries of the Middle East.

38. His delegation was concerned at reports of abuses and human rights violations in Afghanistan, and called on the parties to respect human rights and fundamental freedoms, especially with respect to gender, ethnicity and religion.

39. The people of Cuba had an inalienable right to determine their own destiny.

40. Regional rivalries and internal conflicts in many parts of the world had led to resources badly needed for development being used to purchase arms, with the result that entire communities or countries had been marginalized both socially and economically. While there was potential scope for international cooperation in the promotion of a wide range of human rights, that responsibility rested with Governments to cooperate fully with the international human rights mechanisms.

41. Mr. SORABJEE (Special Rapporteur on the promotion of human rights in Nigeria), introducing his report (E/CN.4/1999/40), said that, after General Abubakar's programme for transition to civilian rule, consultations at all tiers of Government, including the grassroots, had been extensively conducted. They had, by and large, been judged free and fair by many Nigerians and by the international observers. General Abubakar had deserved credit for his sincerity and his commitment to completing the process of transition to civilian rule.

42. He welcomed the release of political detainees and the assurances and guarantees that there would be no further arbitrary arrests or detentions. However, a lot of work remained to be done. Persons were still detained without trial and despite the promulgation of the Decree, some had not been released. He had made personal appeals, which had been well received, and also welcomed the improvements in the conditions of detainees.

43. A necessary concomitant of the transition to democracy was freedom of the press. Many media houses and journalists were encouraged by the freedom. But it was regrettable that the authorities continued to threaten and suppress groups by resorting to arrests. He urged that the Government and state police should be alive to their responsibilities under the Constitution and the principles of freedom of association. He hoped to be receiving a response on the matters mentioned in his report.

44. Since the publication of his report, a number of human rights issues had arisen. Among those that had been reviewed, during consultations with the United Nations Assistance Mission, were the treatment of detainees, the serious attempts at taking back to custody the prisoners of conscience and their release on reduced and unconditional bail. A commission had been set up to inquire into the circumstances of the deaths of students in May/June 1998. The commission had criticized the excessive use of force on the grounds of its timing, its age and lack of proportion.

45. Economic, social and cultural rights were inextricably interwoven with housing and health care in a deplorable state and serious questions of adequate food supply in many areas. In particular, greater attention needed urgently to be given to the problems affecting the children. Right to basic

54. In Africa, there had been a deterioration in the human rights and social and cultural situation in the Great Lakes region. The Organization of African Unity (OAU) had called for a durable peace there. His delegation was very concerned about the difficult situation of those working in the field there and hoped that stability, prosperity and development would soon be restored to the region.

55. Mr. SUNGAR (Observer for Turkey) said that the first item on any human rights agenda should be the eradication of terrorism and worldwide cooperation to combat it. There were, however, countries that contributed to human rights violations by assisting terrorists.

56. Greece had shown its complicity in terrorism and become a "terrorist State" through its role in the events leading to the capture of the PKK leader. It had harboured a terrorist in violation of the European Convention on the Suppression of Terrorism, disregarding the fact that the PKK leader was a criminal sought by Interpol. It had thus behaved irresponsibly in a manner unbefitting a State Member of the United Nations and one that was a member of the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organization (NATO). It had persistently deceived world public opinion and, even after its exposure, had attempted to justify its actions in support of PKK terrorism. It had thus forfeited its right to make pronouncements on human rights or the rule of law.

57. Mr. LAFFAILLE (Observer for Georgia) said that, in the light of General Assembly resolution 53/155, which urged the Commission to take timely and effective action in existing and future cases of mass and flagrant violations of human rights, his Government had already asked the Commission three times to consider the document it had submitted on genocide and ethnic cleansing in Abkhazia. In view of the fact that 250,000 people had been displaced or were refugees, hostages were being used, hostages were being taken and summary executions were taking place, he hoped that the Commission would respond to his urgent request, especially since the United Nations High Commissioner for Refugees (UNHCR) had sent a mission to Abkhazia to report on the human rights situation there and to promote the safe return of refugees and displaced persons.

58. Referring to agenda item 20, on rationalization of the work of the Commission, he stressed that the Commission's mandate included making a timely response to human rights violations. Yet, after the end of hostilities in Abkhazia, the human rights situation had worsened, with the separatists continuing to engage in ruthless ethnic cleansing. The level of hatred and cruelty they had shown had culminated in the events at Gali in 1997. Since then, they had attempted to begin the process of return of refugees by presenting themselves as the guarantors of the refugees' safety. Neither the refugees themselves, nor the Parliament and Government of Georgia, could agree to a solution that depended on guarantees from people who continued to commit crimes against humanity.

The question of the establishment of an International Court of Justice having been resolved, the Commission should promote the use of that important legal mechanism to bring to justice those guilty of war crimes and crimes against humanity.

Mr. AGURTSOV (Observer for Belarus) said that no country, including his own, could declare that human rights were observed completely in its territory. Double standards and the promotion of political interests under the guise of human rights protection were inadmissible. Only a constructive approach based on dialogue and cooperation could truly promote human rights. The human rights situation in a country should be judged not only by the numbers of violations but also by the readiness of the authorities to prevent them.

His own country's efforts at development were complicated by the need to spend a quarter of the State budget on the consequences of the Chernobyl disaster. Uniquely in the region, however, it did not suffer from ethnic and religious conflicts. A more insidious problem was that of changing mentalities in the political and personal spheres. Most democracies had been formed over centuries. New democratic institutions could not create a civil society overnight.

Human rights problems in Belarus were due to the inexperience of its democracy; further progress with democratic reform would gradually eliminate all the difficulties. In that context, technical assistance and more specifically the programme entitled "Strengthening capacities and infrastructure for the promotion and protection of human rights" elaborated by the Government and NGOs in cooperation with the United Nations Development Programme (UNDP) was crucial. The OSCE had also, through its advisory and monitoring group, been most helpful.

Mr. KARROUM (Observer for Kuwait) commended the report by the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1999/37), which painted a stark picture. It made it clear that the political and legal order in Iraq entailed systematic and systemic violations affecting virtually the whole population, a tragic situation that affected the entire region.

Unfortunately, despite the establishment of the Tripartite Commission on Missing Persons, the Iraqi regime had failed to demonstrate any genuine concern for those arrested, detained or taken as prisoners of war, despite its responsibility, both moral and legal, to identify the whereabouts of the Kuwaitis and other nationals concerned. Iraq should cooperate with the Tripartite Commission and release immediately all those persons it was holding and reveal the names of those who had died in its custody.

Mr. ASSIFF (Observer for the Syrian Arab Republic) said that southern Lebanon and western Bekaa were still under occupation by Israel, despite the numerous United Nations resolutions calling on it to withdraw. Its policy was not merely occupation, however, but expansionism: Syria and the Bekaa suffered daily from bombing and, rather than risk losing their lives or their lands, many inhabitants had been forced into exile. It was hard to understand why the international community had not put a stop to Israeli behaviour. States which made such play of human rights should be the first to act

against the torture and genocide practised by the Israelis. Double standards were deplorable and immediate pressure should be put on Israel to withdraw.

Situation of human rights in Kosovo

66. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that her Office had been following the situation of human rights in the Balkans closely for some time. In November 1998, she had signed a Memorandum of Understanding with the Yugoslav authorities establishing an office in the Federal Republic of Yugoslavia. That office had been gathering information and making representations on various aspects of the human rights of ethnic Serbs, Albanians and others. On several occasions, she had expressed serious concern about the lack of respect for human rights, particularly in Kosovo. She had followed with dismay and deep anguish the developments that had given rise to massive violations of the right to life and had caused such human suffering.

67. Human rights defenders had not been spared. According to reports, a prominent ethnic Albanian human rights lawyer, Bajram Kelmendi, had been kidnapped from his home and shot dead, together with his two sons, by unidentified men.

68. She was outraged by reports of a vicious and systematic campaign of ethnic cleansing conducted by Serbian military and paramilitary forces in Kosovo. The gravity of the reports underlined the need for their impartial verification. The next step would be for the international community to ensure accountability for established violations. She had therefore requested the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, together with her personal representative, to travel to the region within the next week to make a first-hand assessment of the situation.

69. She had also made arrangements to redeploy human rights officers from the field offices in the former Yugoslavia and staff from headquarters to Albania, the former Yugoslav Republic of Macedonia and Montenegro to conduct interviews with refugees and displaced persons.

70. She called on all parties, and especially the authorities of the Federal Republic of Yugoslavia, to take all necessary steps to protect the physical integrity of all persons within their jurisdiction at what was a grave moment for humankind.

71. Mr. DIENSTBIER (Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia) said that as shown by his report (E/CN.4/1999/42), it had been possible to help some people. He had tried to impress on all the parties concerned the importance of using public channels of communication to attract attention to the human rights agenda and to individual cases.

72. Disrespect for human rights was always connected with bad politics, as was the case in the countries of his mandate and had been for his own country, where human rights activists had been well aware that they would not succeed

78. An atmosphere of lawlessness prevailed in Yugoslavia, accompanied by elaborate programmes to destroy what had been left of civil society. The authorities passed sweeping legislation in the name of national security. Even those who had spent their lives fighting for democracy and human rights felt they had to support the Government, since it would be indecent to criticize it when the people were being bombed.

79. Bombing presented no threat to President Milosevic. It had, in fact, strengthened him, weakened democratic forces and punished the people. The international community needed a comprehensive policy for promoting civil society and building democracy, rather than taking precipitate action.

80. In the event of a political solution in the not too distant future, human rights should be one of the most important instruments for reconciliation. Officials responsible for human rights should be appointed or elected at all levels of self-government. The Commission should give a clear mandate to the High Commissioner and to himself to play an active role in the peace process so as to make sure that human rights were an inseparable part of any solution. It would be necessary to start from the beginning, however, and much energy, together with the necessary resources, would be needed.

81. Mr. JENSEN PETERSEN (Assistant High Commissioner for Refugees) said that, for over a year, UNHCR, together with the ICRC, had been trying to protect the 450,000 victims of the conflict in Kosovo. Over the past seven days, the situation had evolved faster than anyone had expected. Some 155,000 people had fled to Albania, the former Yugoslav Republic of Macedonia and Montenegro.

82. The Serbian authorities were deliberately forcing Kosovo Albanians out of their homes; there had been countless stories of violations from refugees who had been herded on to overcrowded trains, their homes looted and burnt, and their possessions left behind. Such measures must be condemned in the strongest possible terms.

83. The logistic difficulties of dealing with the humanitarian crisis were enormous. UNHCR resources were overstretched and the very poor national infrastructure in the receiving countries compounded the problems. Only a week earlier, the contingency plan had taken account of the possibility of 100,000 people being uprooted; the plan was currently being revised to handle 150,000.

84. The most urgent priority was shelter, as thousands of people were living in the open in border areas of Macedonia and Albania. Food aid was also critical, and the World Food Programme (WFP) was currently assessing needs in those areas. Transporting relief supplies to the areas concerned was problematic, as Tirana airport was overwhelmed by the incoming aircraft bringing supplies, and efforts were being made to deliver supplies by land. The likelihood of an outbreak of communicable disease among the refugees was high.

65. Given the magnitude of the crisis, urgent and immediate support was required. He expressed gratitude to the States that had provided support thus far and appealed to all States to provide further assistance. UNHCR also urged all receiving countries to keep their borders open.

66. Mr. KOH (United States of America) said that the systematic and increasingly brutal violations of human rights in Kosovo were proof that the Serbs had orchestrated their moves long before the air strikes had begun and thus bore full responsibility for the humanitarian tragedy. Three important steps must be taken to deal with the crisis: first, President Milosevic must halt his brutal offensive against Kosovo, withdraw his forces and accept the Rambouillet agreements as the basis for a settlement; secondly, the Commission on Human Rights must condemn the tragedy; and lastly, the international community must pledge financial support to address the urgent humanitarian needs of the refugees fleeing Serb violence.

67. Mr. MORJANE (Tunisia), speaking on behalf of the African Group, said that it was very concerned about the situation of the ethnic Albanian population in Kosovo. It deeply regretted the refusal of the Yugoslav authorities to respond positively to diplomatic efforts to find a peaceful solution to the conflict.

68. The Group deplored the use of force, which had never resolved any problem, but condemned all acts of repression and destruction and all forms of human rights violations, including the reported acts of ethnic cleansing.

69. It was the hope of the Group that reason would prevail and an end be put to all hostilities, enabling all refugees and displaced persons to return to their homes. Diplomatic efforts should then resume, under the auspices of the United Nations, with a view to finding a peaceful, just and lasting solution to the crisis. In that connection, the Group emphasized that primary responsibility for the maintenance of international peace and security lay with the United Nations. It was convinced that the international community would be able to mitigate the consequences of the human tragedy by mobilizing the required assistance to the population affected.

70. Ms. KUMARI (India) expressed concern at the continued reports of human rights violations in Kosovo. However, respect for international law by all States was an essential ingredient of a rule-based international system. Unilateral actions in contravention of the Charter of the United Nations would inevitably have an adverse effect on international cooperation for the promotion and protection of human rights.

71. The sovereignty and territorial integrity of the international frontiers of the Federal Republic of Yugoslavia were inviolable and must be respected by all States. Arbitrary and illegal military operations directed against Yugoslavia without the authorization of the Security Council must be brought to an immediate end. A resolution of the current crisis could be achieved only through peaceful consultations and dialogue, and not through confrontation or military action. At the same time, the Government of the Federal Republic of Yugoslavia must ensure the protection of all the human rights of all its people, including the rights of all segments of the population in the Kosovo region.

92. Mr. SREDIN (Russian Federation) said that NATO's actions against the sovereign State of Yugoslavia was naked aggression and a flagrant violation of the Charter of the United Nations and the agreement between NATO and the Russian Federation, which bound the parties not to use force or the threat of force against each other or any other State. The bombs on Yugoslavia were also destroying the system of collective security that had developed after the Second World War. If steps were not speedily taken to stop the aggression, the United Nations itself would be under threat.

93. NATO claimed, unconvincingly, that it was acting to protect democratic ideals and values, but ideals could not be enforced by the bomb. It was the height of hypocrisy to claim that peaceful people were being bombed in order to prevent a humanitarian catastrophe in Kosovo. That catastrophe had indeed occurred, but only after the start of the bombing. The authorities were not responsible for driving people out of Kosovo; it was the work of the country's warring factions which were bent on a kind of general genocide. The day before the bombing a mere 25 people had crossed the Kosovo-Albania border.

94. His information was that the NATO air strikes had already killed more than 1,000 civilians and 100 members of the armed forces. The Commission could not remain silent. He drew attention to a draft resolution (E/CN.4/1999/L.21) sponsored by his delegation, which called for an immediate ceasefire, as a very minimum. Anything less would be to connive at aggression. He urged all members to support the draft resolution in order to give a chance to life, peace and justice.

95. Mr. AFRAH (Pakistan), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC), expressed deep grave concern at the developments in Kosovo, particularly the ongoing and premeditated massacre of civilians by the Serbian authorities and the growing number of refugees and displaced persons fleeing Kosovo. The OIC reiterated its sympathy and full solidarity with the people of Kosovo, reaffirmed its total rejection of the arbitrary use of force against civilians and called for the immediate cessation of all crimes against humanity by the Serbian forces and the withdrawal of those forces from the civilian areas of Kosovo. The Commission must play an active role in halting the bloodshed and promoting a peaceful, just and lasting settlement of the problem with due regard for the legitimate aspirations of the people of Kosovo.

96. The States members of the OIC had submitted a draft resolution* on the situation of human rights in Kosovo which reiterated the principles at stake and referred to the human rights crisis in and around Kosovo. It deplored violations of human rights and recognized that the people of Kosovo must be allowed to determine their own political future freely, in accordance with the Charter of the United Nations. It called on the Commission to condemn the policy of ethnic cleansing perpetrated against the Kosovars, to demand an immediate halt to all repressive actions by the Belgrade authorities and to call for the immediate withdrawal of Serbian military and paramilitary forces from Kosovo. The international community was called on to bring the perpetrators of crimes against humanity in Kosovo to international criminal

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* Subsequently issued as document E/CN.4/1999/L.3.

justice and to demand that the Belgrade authorities should sign and implement the Rambouillet agreement, including the provisions relating to the stationing of an international peace force. Lastly, the draft recognized the right of refugees from Kosovo to return to their homes in safety and honour. He urged the Commission to adopt the draft resolution, which was open to sponsorship by all States.

97. The OIC endorsed the intention of the High Commissioner for Human Rights to dispatch human rights monitors to the region and appealed to the international community and UNHCR to extend all humanitarian assistance to refugees and displaced persons in Kosovo. The States on whose behalf he spoke intended to respond individually and collectively to the appeals made at the current meeting by the Assistant High Commissioner for Refugees and the High Commissioner for Human Rights.

98. Mr. CHOWDHURY (Bangladesh) having endorsed the statement by the representative of Pakistan on behalf of the OIC, said that condemnation of the genocide in Kosovo was not sufficient: every act of brutality must be punished in order to deter future atrocities. The international community must take all possible steps to bring relief to the Kosovars, bearing in mind that half-hearted efforts were futile. Responsibility must be assigned and appropriate international judicial action taken.

99. All displaced Kosovars must be allowed to return to their country, their homes must be rebuilt and their lands restored to them. They must be fully compensated by those responsible for their misery. In that connection, he urged all delegations to support the draft resolution to be submitted by the Islamic members of the OIC.

100. Mr. RAZMOVSKI (Latvia), speaking also on behalf of Slovakia and Slovenia, said that the many atrocities that had been perpetrated by the Yugoslav army and Serb police against the Albanian residents of Kosovo indicated that the real objective of the Milosevic regime was to eliminate the Albanian community in Kosovo entirely. He condemned such brutality and violence and supported the calls of the international community for an immediate halt to the campaign of ethnic cleansing. Those guilty of violent crimes against civilians must be brought before the International Criminal Tribunal for the Former Yugoslavia. Violence and terror in Kosovo must cease and the peace talks must be resumed. Responsibility for the outcome of those talks lay with the political leadership of the Federal Republic of Yugoslavia.

101. Mr. HOPPE (Germany), speaking on behalf of the European Union and the associated countries of Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that all those countries were deeply concerned at the rapidly deteriorating humanitarian and human rights situation in Kosovo. The Heads of State and Government of the European Union had issued statements on Kosovo at meetings of the European Council in March 1999 in which they had reiterated their deep concern at the failure of mediation efforts and had urged the Government of Yugoslavia to accept a ceasefire in Kosovo and a political solution to the conflict there.

102. The draft Rambouillet agreement assured Kosovo of a high degree of self-government while respecting the sovereignty and territorial integrity of

Yugoslavia; it also guaranteed the individual human rights of all citizens in Kosovo, envisaged extensive rights for all national communities living there and established the basis for post-war reconstruction. The Government of Yugoslavia had, however, rejected all those proposals.

103. The policy of the countries he was representing was directed not against the Yugoslav or Serb population or against the Federal Republic of Yugoslavia or the Republic of Serbia, but against the irresponsible policy of the Yugoslav leadership and the security forces which were cynically and brutally fighting part of their own population.

104. He expressed dismay at the increasing number of reports of executions and atrocities committed against the civilian population. The European Union strongly condemned those crimes and demanded that they be halted immediately. Those responsible for ordering and carrying out such crimes would be brought to justice.

105. He agreed with the High Commissioner for Human Rights that there was an urgent need to establish the facts regarding the grave human rights violations in Kosovo and supported her intention to enhance her Office's presence in the region and to deploy additional human rights observers there. He also welcomed the proposed return to the region during the following week of the Special Rapporteur accompanied by the personal representative of the High Commissioner for Human Rights.

106. President Milosevic had been repeatedly warned against continuing his policy of forced expulsions, and the international community would make every effort to ensure that that short-sighted policy failed. The Serb offensive in Kosovo had left more than a quarter of a million Kosovars homeless. The European Union was concerned about the plight of those refugees and the imminent humanitarian catastrophe.

107. In a recent meeting at Bonn attended by representatives of the Union, ministers of foreign affairs from the region, the OSCE and UNHCR, all participants had emphasized the importance of effective regional cooperation in dealing with the situation. The European Union would do its utmost to cope with the humanitarian catastrophe and assist neighbouring countries in bearing the burden deliberately imposed on them by President Milosevic.

108. Any agreement to end the fighting in Kosovo must ensure that refugees and displaced persons were able to return to their homes promptly, with their safety internationally guaranteed. The Yugoslav leadership had to make a radical change in its policy, and President Milosevic knew full well what the international community expected of him.

109. Mr. PETIT (France), having endorsed the statement made by the representative of Germany on behalf of the European Union and expressed support for the efforts of the High Commissioner for Human Rights, said that France, together with its partners, had made every effort to bring about a peaceful settlement to the crisis in Kosovo through the draft Rambouillet agreement. The refusal by President Milosevic to sign that agreement showed that he had already chosen to settle the question by violence. In so doing, he had assumed full responsibility for the current situation.

110. Although the Security Council had adopted three resolutions on Kosovo, Belgrade had respected none of them. More recently, the Council had rejected by a large majority a draft resolution calling for a halt to NATO military action. The current action in Kosovo was aimed not at a people but at a repressive military machine and constituted an inevitable response to serious and repeated violations of fundamental human rights.

111. France was sending emergency humanitarian assistance to the Kosovar refugees in Albania as part of a joint operation with Germany and Italy, and was prepared to participate in further international efforts, including those sponsored by UNHCR.

112. Mr. CHIBA (Japan) said he joined previous speakers in their concern at the deteriorating human rights and humanitarian situation in Kosovo. His delegation urged the Government of Yugoslavia to accept the proposed peace agreement, since peace was the fundamental condition for ensuring human rights, in particular the right to life. The use of force by NATO was intended only to prevent any increase in the number of victims of human rights violations.

113. His Government had announced that Japan would provide $15 million and 1,000 tents to Kosovar refugees through UNHCR. He expressed support for the efforts being made by the international community, especially the High Commissioner for Human Rights, the Special Rapporteur, UNHCR and the other humanitarian agencies, and said that Japan was ready to cooperate in all efforts to tackle the tragic situation.

114. Ms. GERVAIS-VIDRICAIRE (Canada) said her Government was appalled by the deliberate targeting of civilians in Kosovo by the Serbian authorities, which had dramatically intensified their brutal campaign of ethnic cleansing, and was alarmed at the reports of atrocities and a campaign of terror in the region which had resulted in the displacement of a quarter of the civilian population, an intolerable situation. It supported the efforts of the High Commissioner for Human Rights to monitor and improve the human rights situation in the region.

115. Unfortunately, that situation was one in which diplomacy could not work without the threat of force. That was why Canada and its allies were taking a three-pronged approach to the situation in Kosovo: stepping up military intervention, the only barrier to further ethnic cleansing; increasing humanitarian assistance; and supporting the work of the International Criminal Tribunal for the Former Yugoslavia. The Tribunal had full authority to investigate crimes against humanity in Kosovo, and President Milosevic must know that justice would be done.

116. Mr. BRUSET (Norway) said that, in the past week, the scope and intensity of the humanitarian crisis, including the forced displacement of the civilian population of Kosovo, had increased dramatically. The testimony of refugees was unanimous in its graphic description of massive human rights violations on a scale that clearly indicated ethnic cleansing. There were reports of civilian males being separated from their families and detained by Serb authorities. There also appeared to be a concerted and systematic campaign to

eliminate Kosovo/Albanian politicians, as well as persons with higher education. Such campaigns were unfortunately all too reminiscent of similar action in Bosnia and Herzegovina.

117. The Serb use of force in Kosovo was clearly both disproportionate and excessive. It was not a campaign against armed insurgents, as Belgrade claimed, but a systematic and massive attack on the civilian population, involving flagrant abuses of human rights. It had to be made clear that the persons responsible for such violations would be held personally accountable by the international community.

118. His delegation offered its assistance in the efforts of the High Commissioner for Human Rights to secure a human rights presence in Macedonia, Albania and Montenegro. It also considered that it would be useful for the Special Rapporteur to undertake a first-hand assessment. All necessary assistance should be given to the International Criminal Tribunal for the Former Yugoslavia to ensure that abuses could be documented and prosecuted. The OSCE, of which Norway currently held the Chair, had pledged its cooperation in providing the High Commissioner for Human Rights with any logistic or other support she might require.

119. Neither Albania nor Macedonia was in a position to cope with the massive influx of destitute refugees from Kosovo. International assistance was essential if further destabilization of those countries was to be avoided. The refugees required not only material assistance but also security. Their human rights had to be fully respected. Many countries, including Norway, had already allocated significant financial resources to provide for the material needs of the refugees in neighbouring countries, but little could yet be done within Kosovo itself.

120. His Government had repeatedly stated that there could be no long-term solution to the conflict through the use of force against the civilian population and that violence contained the seeds of further conflict. Only a solution based on democratic procedures and full respect for the human rights of all the inhabitants of Kosovo could lead to a sustainable peace there.

121. The leadership in Belgrade must reconsider its strategy, as its current approach was counter-productive to long-term peace and stability in Kosovo and the Balkans as a whole.

122. Threats against human rights activists and members of the democratic opposition in Belgrade were completely unacceptable. While attention was perforce focused on the human rights crisis in Kosovo, it should not be forgotten that there were also significant violations of the human rights of the population of Serbia as a whole, and the leadership in Belgrade must also be held accountable for those.

123. Mr. PEREZ RIVERO (Cuba), noting that no speaker had yet referred to the human rights of the persons being bombed by NATO, asked whether the Commission discussed only those human rights violations that seemed to justify specific policies. His Government strongly condemned NATO's uncivilized aggression.

which had not been authorized by the Security Council, and was being led by the United States in the interests of those eager to impose their will throughout the planet in the name of a new world order and wondered whether the use of force by a bellicose bloc that, at the beginning of the century, had divided and weakened Europe to the United States' advantage, would solve the world's problems or protect the human rights of the innocent.

124. The possibility of the violence spreading or of social upheaval, with unforeseeable results for the region and for humanity as a whole, was of great concern to his delegation. He called upon the international community to put a stop to such unjustified aggression and avoid further loss of innocent lives. The Yugoslav peoples could then resume peaceful negotiation of a solution to problems that were a matter solely for their own sovereignty and self-determination.

125. Mr. LIU Xinsheng (China) said that the recent events in Kosovo were a source of concern to the peace-loving countries of the world. Kosovo was an integral part of Yugoslavia, and the question of Kosovo was an internal matter for that State to settle. His Government believed that a political situation should be sought through dialogue, on the basis of respect for the principle of sovereignty and territorial integrity of States and taking into account the interests of all the ethnic groups in Kosovo. Without the authorization of the Security Council, any action taken against Yugoslavia was a major violation of the Charter of the United Nations and the universally accepted norms of international law.

126. Recently, the parties concerned by the Kosovo question had undertaken efforts to find a political situation, and some progress had been achieved. China had always supported a political solution and opposed the use of force or the threat thereof. It was the right of each State to choose its own path to development, and his Delegation rejected any international interference under any pretext, especially efforts that attempted to bypass the authority of the United Nations. His Government demanded that the military action in Kosovo should be halted immediately and urged the international community to take steps to deal with the crisis and find a political solution.

127. Ms. MORENO DEL CORRO (Mexico) said that the human rights violations in the Federal Republic of Yugoslavia were rapidly acquiring catastrophic proportions. Her Delegation deeply regretted that there had been no genuine dialogue between the parties, as called for by the Commission the previous year. The international community, whose only representative was the United Nations, could not stand idly by in the face of a humanitarian tragedy and a threat to international peace and security. Under the Charter of the United Nations, the Security Council alone was empowered to authorize enforcement action under regional arrangements or by regional bodies. Violence had never solved any problem, and she thus called for an immediate ceasefire, for unconditional respect for human rights and for the strict observance of international humanitarian law. Negotiations and genuine dialogue were the only way to reach a peaceful and sustainable solution.

128. Mr. CHOLAQUI (Argentina), having endorsed the statement by the representative of Mexico, said that, during a recent visit to Rome, the

President of Argentina had urged all the parties involved in the conflict in Kosovo to keep the prospect of peace and dialogue open and had called for an end to all violation of human rights there.

129. The Commission had a specific mandate within the United Nations system to ensure universal respect for human rights. That perspective should accordingly be the focus of its approach to the situation in Kosovo and to all other such situations. His Government was prepared to cooperate in any way to restore respect for and enjoyment of human rights in Kosovo and to bind up the deep wounds inflicted on the civilian population of the region.

The meeting rose at 6.25 p.m.